



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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May 21, 2020

MEMORANDUM

TO: Board Members
FROM: Elleanore Daub, Office of VPDES Permits
SUBJECT: VPDES General Permit Regulation for Seafood Processing Facilities 9VAC25-115

The current VPDES Seafood Processing Facilities General Permit will expire on July 23, 2021 and the regulation establishing this general permit is being amended to reissue another term. The staff is bringing this proposed regulation amendment before the Board to request authorization to hold a public comment period and a public hearing. The proposed regulation takes into consideration the recommendations of a technical advisory committee (TAC) formed for this regulatory action. A list of the TAC membership is attached.

Draft amendments showing proposed changes to the current regulation, the Agency Town Hall background document and the draft Fact Sheet are also attached. Substantive changes to the existing regulation are:

- Section 10 - Definitions - Added six new definitions to support the amended stormwater management requirements in 9VAC25-115-50 (Part II) and to be consistent with the ISWGP. Adjusted the seafood processing definition to include NAICS codes, moved the sentence about what seafood includes (crabs, oysters, etc.) to a separate definition, and added that seafood processing facilities does not include shellfish aquaculture facilities.
- Section 20 – Effective Date of Permit - Updated effective dates to July 24, 2021 – June 30, 2026 in order to begin the permit at the start of July next reissuance (and thereafter) to help ensure continuous e-DMR submittal using full calendar quarters (July – September, October – December, January – March, and April – June, etc...). Currently the permit abruptly ends before a full monitoring period is covered (July 23, 2021). This shortens the next 5 year permit by 23 days.
- Section 30 - Authorization- Added and exclusion to stormwater requirements when industrial area is not exposed.
- Section 40 - Registration - Registration statement deadlines changed from 30 days to 60 days prior to expiration of permit, commencement of discharge or adding a new process.

Latitude/longitude and State Corporation Commission entity number now required for a complete registration statement. Added that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry, registration statements shall be submitted electronically. Three months' notice shall be given by the department about this requirement.

- Section 50 Part II - Stormwater - Visual quarterly monitoring, nonstormwater annual inspections, corrective actions added. Comprehensive Site Evaluations eliminated. Routine quarterly inspections have been moved up into a section with all the other types of monitoring and inspections.
- Section 50 Part III – Conditions Applicable to All Permits - Added under reporting, that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry and 3 months' notice is given, discharge monitoring reports shall be submitted electronically.

A Notice of Intended Regulatory Action (NOIRA) for the amendment was issued February 18, 2019. The public comments received were requests to be on the TAC and all were invited to participate.

The Office of the Attorney General will be sent the proposed regulation for certification of statutory authority. The U.S. Environmental Protection Agency will also need to review and approve the general permit prior to final adoption.

Attachments: TAC Membership, Draft General Permit Regulation, Agency Background Document (Town Hall), Draft Fact Sheet

**TECHNICAL ADVISORY COMMITTEE MEMBERSHIP SEAFOOD PROCESSING
FACILITY GENERAL PERMIT REGULATION**

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Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-115
VAC Chapter title(s)	General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities
Action title	Update and amend the regulation that expires on July 23, 2021 in order to continue to offer general permit coverage for this industry.
Date this document prepared	Beginning December 30, 2019

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Code of Virginia, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The regulation specifies requirements for seafood processing facilities to discharge process water and stormwater to protect water quality. The most significant amendments to this regulation are updating the definition of seafood processing to include NAICS codes and exclude shellfish aquaculture, update the industrial stormwater requirements to be consistent with other industries subject to stormwater permitting. This includes adding quarterly visual monitoring and annual inspections for nonstormwater discharges.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus of the regulatory change is Virginia Code § 62.1-44.15 (5a) which states, "All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years." This general permit expires on July 23, 2021 and must be reissued in order to make coverage available for seafood processors that discharge to surface waters after July 23, 2021.

The periodic review of this regulation is mandated by Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

DEQ: Department of Environmental Quality
EPA (U.S. EPA): United States Environmental Protection Agency
ISWGP: VPDES Industrial Stormwater General Permit 9VAC 25-151
MSGP: NPDES Multi-Sector Industrial Stormwater General Permit
NAICS: North American Industry Classification System
NPDES: National Pollutant Discharge Elimination System
SIC: Standard Industrial Classification
TAC: Technical Advisory Committee
USC: United States Code
VAC: Virginia Administrative Code
VPDES: Virginia Pollutant Discharge Elimination System

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The promulgating entity is the State Water Control Board. The basis for this regulation is § 62.144.2 et seq. of the Code of Virginia. Specifically, § 62.144.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.144.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.144.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, § 62.144.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate discharges of industrial wastes, § 62.144.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.144.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This proposed regulatory action is needed in order to establish permitting requirements for discharges from seafood processing facilities in order to protect the health, safety and welfare of citizens. The existing general permit expires on July 23, 2021 and must be reissued to cover existing and new seafood processing discharges. The goal is to update the permit and the regulation to be consistent with other VPDES general permits.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Substantive provisions include updating and including new definitions related to stormwater management, updating the definition of "Seafood Processing" and excluding aquaculture from the requirements of the permit and updating the entire stormwater section to be more consistent with other industrial stormwater general permit requirements.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The advantages to the public and the agency of reissuing this permit are that a VPDES general permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters without the increased cost and more complicated application process associated with issuing an individual permit. There are no known disadvantages.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material

impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:
None

Localities Particularly Affected:
None

Other Entities Particularly Affected:
None

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The reissuance of the VPDES general permit accomplishes the objectives of applicable law and minimizes the costs to a small business owner and simplifies the application process. Without the general permit, a small business owner would be required to obtain an individual permit, which would increase the complexity of a permit application and permit costs.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the NOI/RA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
A.J. Erskine, Bevans Oyster Company and Cowart Seafood Corporation	Would like to participate on TAC.	Invited to participate on TAC.
Hannah Kellum W. Ellery Kellum Seafood, Inc. and Virginia Seafood Council	Would like to participate on TAC.	Invited to participate on TAC.

Mike Oesterling, Virginia Shellfish Growers of Virginia	Would like to participate on TAC.	Invited to participate on TAC.
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Public Participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Eleanore Daub, P.O. Box 1105, Richmond, VA 23218, phone (804) 698-4111, fax (804) 698-4032, email elleanore.daub@deq.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements

9VAC25-115-10. Definitions.		Contains definitions for various terms.	Added six new definitions to support the amended stormwater management requirements in 9VAC25-115-50 (Part II) and to be consistent with the ISWGP. The new definitions are "best management practices", "control measure", "corrective action", "minimize", "no exposure" and "Virginia Environmental Excellence Program." Added a definition for NAICS and added the NAICS to the definition of "seafood processing facility" because this classification system is being added to the permit. Added an exclusion for shellfish aquaculture facilities to the seafood processing facility definition based on a request from the TAC. Some minor changes were made to existing definitions for "Significant materials" and "stormwater discharge associated with industrial activity" to be consistent with the IWSGP. No impact.
9VAC25-115-15. Applicability of incorporated references based on the dates that they became effective.		Effective date for the Title 40 CFR is July 1, 2015	Effective date for the Title 40 CFR changed to July 1, 2020. No impact.
9VAC25-115-20. Purpose; delegation of authority; effective date of permit.		Effective date of permit July 24, 2016 – July 23, 2021.	Updated effective dates to July 24, 2021 – June 30, 2026 in order to begin the permit at the start of July next reissuance (and thereafter) to help ensure continuous e-DMR submittal using full calendar quarters (July – September, October – December, January – March, and April – June, etc...). Currently the permit abruptly ends before a full monitoring period is covered (July 23, 2021). Minor impact because the permit coverage for the reissuance ends 23 days short of a full five years and no pro-rating of permit fees is allowed. Also added NAICS code to the seafood processing classification sentence. No impact.
9VAC25-115-30 Authorization to Discharge		Authorization to discharge does not include a no exposure exclusion.	Included a no exposure exclusion for stormwater. This is consistent with the Industrial Stormwater General Permit (9VAC25-151-50 D and the EPA Multi-sector General Permit. This allows facilities who have all industrial materials under cover and unexposed to stormwater to get a "no exposure certification" and relief from stormwater requirements for a five year term. Added to a new subsection D.
9VAC25-115-30 Authorization to Discharge		Continuation of permit coverage requires submittal of complete registration	Removed the specific date and provide that a complete registration statement must be submitted at least 60 days prior to permit expiration or as specified by the Board. Changed subsection D to E. No impact.

		statement before July 23, 2016.	
9VAC25-115-30 Authorization to Discharge		Alternatives for addressing owner covered under expiring or expired permit who has violated permit.	Made non-substantive edits to remove reference to specific years. No impact.
9VAC25-115-40 Registration Statement		Registration statement deadlines and required submittals. Deadline 30 days prior expiration of permit, commencement of discharge or adding a new process.	Changed 30 days to 60 days to be consistent with the industrial stormwater general permit, and allowed for a later date established by the Board. Permittees will have to submit a registration statement and other notifications to DEQ sooner. The regulation also allow for DEQ to accept a late submittal.
9VAC25-115-40 Registration Statement		Late registration statement will be accepted after July 23, 2016 but authorization will not be retroactive. Existing covered facilities that submit a registration after June 24, 2016 but before July 24, 2016 are authorized to discharge.	Removed the July 23, 2016 date and replaced with after the expiration date of this permit. Removed the sentence pertaining to submission of registration after June 24, 2016. No impact as these changes just make the language more generic without dates that must be updated.
9VAC25-115-40 Registration Statement		Registration statement required information is listed.	Same information but added latitude and longitude and State Corporation Commission entity identification number (if applicable). Some impact as the registrants will be required to find latitude longitude via a phone application or via the DEQ online VEGIS database. https://www.deq.virginia.gov/connectwithdeq/vegis.aspx
9VAC25-115-40 Registration Statement		Registration statement shall be delivered to the department by postal or electronic mail.	Clarified that it shall be delivered to the department's regional office by postal or electronic mail. Added that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry, registration statements shall be submitted electronically. Three months' notice shall be given by the department about

			this requirement. Some impact because once electronic reporting dates are established and technology is developed at the department, the permittees will have no choice but to file registrations statements electronically. This may be difficult if the registrant has no available internet access (even via a public library) or computer/internet skills. Waivers are available under very limited circumstances.
9VAC25-115-50 General Permit Part I		Effective and expiration dates July 24, 2016 – July 23, 2021	Updated to next term July 24, 2021 – June 30, 2026. Some impact as this is not quite a full five year term and there is no pro-rating of fees. However, most permits today are placed at the end of the month to facilitate electronic discharge monitoring reporting. Since permits cannot be more than five years per federal and state regulations, the end date was backed up 23 days to June 30, 2026 instead of moved forward to August 1, 2026.
9VAC25-115-50 General Permit Part I		The authorized discharge shall be in accordance with the cover page, Part I- Effluent Limitations, Monitoring Requirements, Part II-SWPPP and Part III- Conditions Applicable to all VPDES permits.	Added that the discharge must also be in accordance with the information submitted with the registration statement and Part I Special Conditions. This ensures the authorization is further conditioned on such information.
9VAC25-115-50 General Permit Part I B		Special condition #9 requires an amended registration statement must be submitted 30 days prior to commencing operation of a new process.	Changed to 60 days prior to commencing operation of a new process unless a later date is approved by the board. Some impact in that the notification period is moved up so additional planning is required by the permittee. However, DEQ is also given flexibility to adjust that date.
9VAC25-115-50 General Permit Part II Stormwater Management		Stormwater requirements applied to SIC 2091 and 2092 was listed under the SWPPP provisions.	Restated that stormwater management requirements apply to those in SIC 2091 and 2092 at the opening of Part II since new sections A, B and C are added before the SWPPP provisions (explained below). No impact.
9VAC25-115-50 General		Part II Subsection A does not exist.	Subsection A was added to include visual quarterly monitoring, routine quarterly inspections (moved from another location in Part II) and nonstormwater

Permit Part II Stormwater Management			allowances and annual inspections. This was added to make seafood processor stormwater requirements consistent with other stormwater regulated industries in Virginia. Significant impact to SIC 2091 and 2092 (about 60% of the industry in VA) because they must now include quarterly visual monitoring and annual nonstormwater inspections. Routine quarterly inspections were included in the existing 2016 permit; however, the wording has been updated to be consistent all other stormwater regulated industries in Virginia.
9VAC25-115-50 General Permit Part II Stormwater Management		Part II Subsection B does not exist.	Subsection B was added to include corrective actions that must be taken if monitoring and inspections indicate stormwater pollution. Corrective actions were required as part of routine inspections in the existing 2016 permit; however, now corrective actions must also be done for visual monitoring and any event that indicates stormwater pollution. Corrective actions are also more detailed to indicate due dates for SWPPP updates and control measure modifications. Also added was that corrective actions shall be documented, retained with the SWPPP and certified by appropriate personnel. Significant impact for SIC 2091 and 2092 because they could potentially require corrective actions more often and documentation procedures are more rigorous.
9VAC25-115-50 General Permit Part II Stormwater Management		SWPPP requirements and due dates.	SWPPP requirements and due dates updated to be consistent with other stormwater regulated industries in Virginia. Removed the general location map from the site description as this information was already part of the site map requirements. Added "locations of vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage area as part of the site description to be consistent with EPA's 2015 MSGP. Eliminating and minimizing exposure was expanded to include additional examples on how to accomplish this. Spill prevention and response procedures were expanded to include "procedures for plainly labeling containers (e.g., used oil, spent solvents, fertilizers and pesticides, etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid responses if spills or leaks occur" to be consistent with EPA's 2015 MSGP. Routine quarterly inspections was expanded and moved up to Part II A 2. Employee training must be annual and include pest control training. Comprehensive annual site evaluations were eliminated and consolidated with routine facility inspections. Allowable nonstormwater discharges were moved and updated to Part II A 3.

			<p>All other amendments in Part II C are considered minor.</p> <p>Some impact to these changes and additions because permittees will have to revise their SWPPP to be in conformance with these changes. The agency intends to provide a SWPPP template to help the industry make these changes.</p>
9VAC25-115-50 Part III Conditions Applicable to All Permits		Part III contains conditions applicable to all permits.	<p>Added under reporting, that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry, discharge monitoring reports shall be submitted electronically. Three months' notice shall be given by the department about this requirement. Some impact because once electronic reporting dates are established and technology is developed at the department, the permittees will have no choice but to file discharge monitoring reports electronically. This may be difficult if the registrant has no available internet access (even via a public library) or computer/internet skills. Waivers are available under very limited circumstances.</p> <p>Added under reports of noncompliance, a permittee shall promptly submit any facts or incorrect information submitted with a registration statement or any report to the department. This is for consistency with the VPDES and NPDES permit regulations. General permits are beginning to add this requirement into these conditions. Minor impact since permittees need to be aware of this new requirement if they discover an error on a registration statement on which permit coverage was based.</p> <p>Other changes made in Part III are minor and were done to be consistent with other general permits. No impact.</p>

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation will have no direct impact on the institution of the family or family stability.

Project 6276 - none

STATE WATER CONTROL BOARD
Seafood Processing General Permit Reissuance

CHAPTER 115

GENERAL-VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT
REGULATION FOR SEAFOOD PROCESSING FACILITIES

9VAC25-115-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) unless the context clearly indicates otherwise. Additionally, for the purposes of this chapter:

"Best management practices" or "BMPs" means schedules of activities, practices, prohibitions of practices, structures, vegetation, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the discharge of pollutants to surface waters.

"Control measure" means any best management practice or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to surface waters.

"Corrective action" means any action to (i) repair, modify, or replace any stormwater control used at the facility; (ii) clean up and properly dispose of spills, releases, or other deposits at the facility; or (iii) return to compliance with permit requirements.

"Industrial activity" means the facilities classified under NAICS 311710 and SIC CodeCodes 2091 or 2092.

"Minimize" means reduce or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

"NAICS" means North American Industry Classification System from the U.S. Office of Management and Budget, 2017 edition.

"No exposure" means all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff.

"Seafood" includes crabs, oysters, hand-shucked clams, scallops, squid, eels, turtles, fish, conchs and crayfish.

"Seafood processing facility" means any facility classified under SIC Code 2091, 2092, 5142, or 5146, which that processes or handles seafood intended for human consumption or as bait, except a mechanized clam facility-facility, where the primary purpose is classified under the following NAICS and SIC codes: Seafood includes but is not limited to crabs, oysters, hand-shucked clams, scallops, squid, eels, turtles, fish, conchs and crayfish.

1. NAICS Code 311710 – Seafood Product Preparation and Packaging and SIC Code 2091 – Canned and Cured Fish and Seafoods, 2092 – Prepared Fresh or Frozen Fish and Seafoods;

2. NAICS Code 424420 – Packaged Frozen Food Merchant Wholesalers and SIC Code 5142 – Packaged Frozen Foods; and

3. NAICS Code 424460 – Fish and Seafood Merchant Wholesalers and SIC Code 5146 – Fish and Seafoods.

This definition does not include aquaculture facilities (including hatcheries) classified under SIC Code 0272 or 0921 and NAICS Codes 112512.

"SIC" means the Standard Industrial Classification Code or Industrial Grouping from the U.S. Office of Management and Budget Standard Industrial Classification Manual, 1987 edition.

"Significant materials" includes, ~~but is not limited to~~, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production (except oyster, clam or scallop shells); hazardous substances designated under § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC § 9601); any chemical the facility is required to report pursuant to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC § 11023); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

"Stormwater discharge associated with industrial activity" means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the VPDES program under 9VAC25-31. For the categories of industries identified in the "industrial activity" definition, the term includes, ~~but is not limited to~~, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts (except for oyster, clam or scallop shells) used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage area (including tank farms) for raw materials and intermediate and ~~finished~~final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this ~~paragraph~~definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, ~~finished~~final product, byproduct, or waste product (except for oyster, clam or scallop shells). The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in the "industrial activity" definition) include those facilities designated under the provisions of 9VAC25-31-120 A 1 c, or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation.

"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, and load allocations (LAs) for nonpoint sources or natural background, or both, and must include a margin of safety (MOS) and account for seasonal variations.

"Virginia Environmental Excellence Program" or "VEEP" means a voluntary program established by the department to provide public recognition and regulatory incentives to encourage higher levels of environmental performance for program participants that develop and implement environmental management systems (EMSs). The program is based on the use of EMSs that improve compliance, prevent pollution, and utilize other measures to improve environmental performance.

9VAC25-115-15. Applicability of incorporated references based on the dates that they became effective.

Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of ~~July 1, 2015~~July 1, 2020.

9VAC25-115-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs the discharge of wastewater from seafood processing facilities and stormwater associated with industrial activity from seafood processing facilities classified NAICS 311710 and as SIC ~~Code~~-2091 and 2092.

B. The director, or an authorized representative, may perform any act of the board provided under this regulation, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on ~~July 24, 2016~~, July 24, 2021 and will expire on ~~July 23, 2024~~, June 30, 2026. For any covered owner, this general permit is effective upon compliance with all the provisions of 9VAC25-115-30.

9VAC25-115-30. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge process wastewater and stormwater as described in 9VAC25-115-20 A to surface waters of the Commonwealth of Virginia provided that:

1. The owner files a registration statement, in accordance with 9VAC25-115-40, and that registration statement is accepted by the board;
2. The owner submits the required permit fee;
3. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-115-50; and
4. The owner has not been notified by the board that the discharge is not eligible for coverage under this permit in accordance with subsection B of this section.

B. The board will notify an owner that the discharge is not eligible for coverage under this permit in the event of any of the following:

1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES Permit Regulation;
2. The owner is proposing to discharge to state waters specifically named in other board regulations that prohibit such discharges;
3. The owner is proposing to discharge annual mass loadings of total nitrogen in excess of 2,300 pounds per year or of total phosphorus in excess of 300 pounds per year;
4. The discharge would violate the antidegradation policy stated in 9VAC25-260-30 of the Virginia Water Quality Standards; or
5. The discharge is not consistent with the assumptions and requirements of an approved TMDL.

C. Conditional exclusion for no exposure to stormwater. Any owner covered by this permit who becomes eligible for a no exposure exclusion from stormwater permitting under 9VAC25-31-120 E may file a no exposure certification. Upon submission and acceptance by the board of a complete and accurate no exposure certification, the permit requirements for stormwater no longer apply. A no exposure certification must be submitted to the board once every five years.

G.D. Compliance with this general permit constitutes compliance, for purposes of enforcement, with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403, and 405 (a) through (b) and the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

D.E. Continuation of permit coverage.

1. Any owner that was authorized to discharge under the seafood processing facilities general permit issued in 2011, and who submits a complete registration statement on or before July 23, 2016, is authorized to continue to discharge under the terms of the 2011 general permit until such time as the board either: Permit coverage shall expire at the end of the applicable permit term. However, expiring permit coverages are automatically continued if the owner has submitted a complete registration statement at least 60 days prior to the expiration date of the permit or a later submittal date established by the board, which cannot extend beyond the expiration date of the permit. The permittee is authorized to continue to discharge until such time as the board either:

- 141 a. Issues coverage to the owner under this general permit; or
142 b. Notifies the owner that the discharge is not eligible for coverage under this general permit.
143 2. When the owner that was covered under the expiring or expired general permit has violated or is
144 violating the conditions of that permit, the board may choose to do any or all of the following:
145 a. Initiate enforcement action based upon the ~~2011~~ general permit coverage that has been
146 continued;
147 b. Issue a notice of intent to deny coverage under the ~~reissued~~ amended general permit. If the
148 general permit coverage is denied, the owner would then be required to cease the discharges
149 authorized by ~~coverage under the 2011~~ the continued general permit coverage or be subject to
150 enforcement action for discharging without a permit;
151 c. Issue an individual permit with appropriate conditions; or
152 d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

153
154 **9VAC25-115-40. Registration statement.**

155 A. Deadlines for submitting registration statement. Any owner seeking coverage under this general
156 permit shall submit a complete general VPDES permit registration statement in accordance with this chapter,
157 which shall serve as a notice of intent for coverage under the general VPDES general permit regulation for
158 seafood processing facilities.

159 1. New facilities. Any owner proposing a new discharge shall submit a complete registration
160 statement to the board at least ~~30~~ 60 days prior to the date planned for commencement of the
161 discharge.

162 2. Existing facilities.

163 a. Any owner of an existing seafood processing facility covered by an individual VPDES permit
164 that is proposing to be covered by this general permit shall submit a complete registration
165 statement at least 240 days prior to the expiration date of the individual VPDES ~~permit~~ permit or
166 a later submittal established by the board.

167 b. Any owner that was authorized to discharge under expiring or expired ~~the general~~ VPDES
168 general permit for seafood processing facilities ~~that became effective on July 24, 2011, and that~~
169 ~~intends to continue coverage under this general permit shall submit a complete registration~~
170 ~~statement to the board on or before June 24, 2016, at least 60 days prior to the expiration date of~~
171 the existing permit or a later submittal established by the board.

172 c. Any owner of an existing seafood processing facility adding a new process after coverage
173 under the general permit is obtained shall submit an amended registration statement to the board
174 at least ~~30~~ 60 days prior to commencing operation of the new ~~process~~ process or a later submittal
175 established by the board.

176 3. Late registration statements. Registration statements for existing facilities covered under
177 subdivision 2 b of this subsection will be accepted after ~~July 23, 2016,~~ the expiration date of the
178 permit, but authorization to discharge will not be retroactive. ~~Owners described in subdivision 2 b of~~
179 ~~this subsection that submit registration statements after June 24, 2016, are authorized to discharge~~
180 ~~under the provisions of 9VAC25-115-30 D if a complete registration statement is submitted before~~
181 ~~July 24, 2016.~~

182 B. The registration statement shall contain the following information:

183 1. Facility name, owner name, mailing address, email address (where available), and telephone
184 number;

185 2. Facility street address (if different from mailing address);

3. Facility operator name, mailing address, email address, and telephone number if different than owner;
4. Does the facility discharge to surface waters? Name of receiving stream or streams if yes and, if no, describe the discharge or discharges;
5. Does the facility have a current VPDES Permit? Include the permit number if yes;
6. The original date of construction of the seafood processing facility building and dates and description of all subsequent facility construction;
7. A U.S. Geological Survey (USGS) 7.5 minute topographic map or other equivalent computer generated map with sufficient resolution to clearly show the facility location, the discharge location or locations, and the receiving water body;
8. Facility SIC code or codes;
9. Nature of business at the facility;
10. Discharge outfall information including latitude and longitude, seafood process, receiving stream, discharge flow, and days per year of discharge for each outfall;
11. Facility maximum production information;
12. Facility line (water balance) drawing;
13. Discharge and outfall descriptions for different seafood processes that operate simultaneously;
14. Treatment and solid waste disposal information;
15. Information on use of chemicals at the facility; and
16. State Corporation Commission entity identification number if the facility is required to obtain an entity identification number by law; and
- 46.17. The following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with 9VAC25-31-110 of the VPDES Permit Regulation.

C. The registration statement ~~may~~shall be delivered to the ~~department~~department's regional office where the seafood processing facility is located by either postal or electronic mail ~~and shall be submitted to the DEQ regional office serving the area where the seafood processing facility is located.~~ Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements), as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least 3 months' notice provided between the notification from the department and the date after which such forms must be submitted electronically.

9VAC25-115-50. General permit.

Any owner whose registration statement is accepted by the board shall comply with the requirements of the general permit and be subject to all requirements of 9VAC25-31-170 of the VPDES Permit Regulation.

General Permit No.: VAG52
Effective Date: ~~July 24, 2016~~ July 24, 2021
Expiration Date: ~~July 23, 2024~~ June 30, 2026

GENERAL PERMIT FOR SEAFOOD PROCESSING FACILITIES

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant to it, owners of seafood processing facilities, other than mechanized clam processing facilities, are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations that prohibit such discharges.

The authorized discharge shall be in accordance with the information submitted with the registration statement, this cover page, Part I-Effluent ~~Limitations and~~ Limitations, Monitoring Requirements, and Special Conditions, and Part II-Stormwater Pollution Prevention Plans, and Part III-Conditions Applicable to All VPDES Permits, as set forth in this general permit.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. SEAFOOD PROCESSING NOT LIMITED ELSEWHERE IN PART I. A.— SIC 2091, 2092, 5142 AND 5146 SOURCES EXCEPT MECHANIZED CLAM FACILITIES

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from seafood processing not otherwise classified from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/YEAR	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/YEAR	Grab
TSS	NL	NL	NA	NA	NA	1/YEAR	Composite
Oil and Grease	NL	NL	NA	NA	NA	1/YEAR	Grab
Production	NA	NL	NA	NA	NA	1/YEAR	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by the end of the calendar year and reported by the 10th of January of the following calendar year on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. CONVENTIONAL (HANDPICKED) BLUE CRAB PROCESSING—EXISTING SOURCES
PROCESSING MORE THAN 3,000 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from conventional blue crab processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	0.74	2.2	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.20	0.60	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. CONVENTIONAL (HANDPICKED) BLUE CRAB PROCESSING—ALL NEW SOURCES

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from conventional blue crab processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day	DISCHARGE LIMITATIONS kg/kg	Sample Frequency	Sample Type
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	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	0.15	0.30	NA	1/3 Months	Composite
TSS	NL	NL	0.45	0.90	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.065	0.13	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

283 NL = No limitation, monitoring required.

284 NA = Not applicable.

285 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

286 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
287 combined to form one representative sample, not to exceed eight grab samples.

288 Production = See Special Condition No. 5 (Part I B 5).

289 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
290 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
291 submitted with the DMR.

292 Part I

293 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

294 4. MECHANIZED BLUE CRAB PROCESSING—ALL EXISTING SOURCES

295 During the period beginning with the permittee's coverage under this general permit and lasting until
296 the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized
297 blue crab processing, from outfall(s) _____.

298 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	12	36	NA	1/3 Months	Composite

Oil and Grease	NL	NL	4.2	13	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

299 NL = No limitation, monitoring required.

300 NA = Not applicable.

301 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

302 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
303 combined to form one representative sample, not to exceed eight grab samples.

304 Production = See Special Condition No. 5 (Part I B 5).

305 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
306 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
307 submitted with the DMR.

308 Part I

309 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

310 5. MECHANIZED BLUE CRAB PROCESSING—ALL NEW SOURCES

311 During the period beginning with the permittee's coverage under this general permit and lasting until
312 the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized
313 blue crab processing, from outfall(s) _____.

314 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	2.5	5.0	NA	1/3 Months	Composite
TSS	NL	NL	6.3	13	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.3	2.6	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

315 NL = No limitation, monitoring required.

316 NA = Not applicable.

317 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

6. NON-BREADED SHRIMP PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 2,000 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from non-breaded shrimp processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	38	110	NA	1/3 Months	Composite
Oil and Grease	NL	NL	12	36	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

7. NON-BREADED SHRIMP PROCESSING—ALL NEW SOURCES

344 During the period beginning with the permittee's coverage under this general permit and lasting until
 345 the permit's expiration date, the permittee is authorized to discharge wastewater from non-breaded
 346 shrimp processing, from outfall(s) _____.

347 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	25	63	NA	1/3 Months	Composite
TSS	NL	NL	10	25	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.6	4.0	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

348 NL = No limitation, monitoring required.

349 NA = Not applicable.

350 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

351 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
 352 combined to form one representative sample, not to exceed eight grab samples.

353 Production = See Special Condition No. 5 (Part I B 5).

354 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
 355 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
 356 submitted with the DMR.

357 Part I

358 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

359 8. BREADED SHRIMP PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 2,000 360 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

361 During the period beginning with the permittee's coverage under this general permit and lasting until
 362 the permit's expiration date, the permittee is authorized to discharge wastewater from breaded
 363 shrimp processing, from outfall(s) _____.

364 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day	DISCHARGE LIMITATIONS kg/kg	Sample Frequency	Sample Type
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	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	93	280	NA	1/3 Months	Composite
Oil and Grease	NL	NL	12	36	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

9. BREADED SHRIMP PROCESSING—ALL NEW SOURCES

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from breaded shrimp processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	40	100	NA	1/3 Months	Composite
TSS	NL	NL	22	55	NA	1/3 Months	Composite

Oil and Grease	NL	NL	1.5	3.8	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

381 NL = No limitation, monitoring required.

382 NA = Not applicable.

383 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

384 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
385 combined to form one representative sample, not to exceed eight grab samples.

386 Production = See Special Condition No. 5 (Part I B 5).

387 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
388 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
389 submitted with the DMR.

390 Part I

391 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

392 10. TUNA PROCESSING—ALL EXISTING SOURCES

393 During the period beginning with the permittee's coverage under this general permit and lasting until
394 the permit's expiration date, the permittee is authorized to discharge wastewater from tuna
395 processing, from outfall(s) _____.

396 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	3.3	8.3	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.84	2.1	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

397 NL = No limitation, monitoring required.

398 NA = Not applicable.

399 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

400 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
401 combined to form one representative sample, not to exceed eight grab samples.

402 Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

11. TUNA PROCESSING—ALL NEW SOURCES

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from tuna processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	8.1	20	NA	1/3 Months	Composite
TSS	NL	NL	3.0	7.5	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.76	1.9	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

12. CONVENTIONAL BOTTOM FISH PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 4,000 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

426 During the period beginning with the permittee's coverage under this general permit and lasting until
 427 the permit's expiration date, the permittee is authorized to discharge wastewater from conventional
 428 bottom fish processing, from outfall(s) _____.

429 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	2.0	3.6	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.55	1.0	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

430 NL = No limitation, monitoring required.

431 NA = Not applicable.

432 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

433 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
 434 combined to form one representative sample, not to exceed eight grab samples.

435 Production = See Special Condition No. 5 (Part I B 5).

436 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
 437 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
 438 submitted with the DMR.

439 Part I

440 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

441 13. CONVENTIONAL BOTTOM FISH PROCESSING—ALL NEW SOURCES

442 During the period beginning with the permittee's coverage under this general permit and lasting until
 443 the permit's expiration date, the permittee is authorized to discharge wastewater from conventional
 444 bottom fish processing, from outfall(s) _____.

445 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate

pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	0.71	1.2	NA	1/3 Months	Composite
TSS	NL	NL	0.73	1.5	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.042	0.077	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

446 NL = No limitation, monitoring required.

447 NA = Not applicable.

448 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

449 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
450 combined to form one representative sample, not to exceed eight grab samples.

451 Production = See Special Condition No. 5 (Part I B 5).

452 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
453 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
454 submitted with the DMR.

455 Part I

456 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

457 14. MECHANIZED BOTTOM FISH PROCESSING—ALL EXISTING SOURCES

458 During the period beginning with the permittee's coverage under this general permit and lasting until
459 the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized
460 bottom fish processing, from outfall(s) _____.

461 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	12	22	NA	1/3 Months	Composite
Oil and Grease	NL	NL	3.9	9.9	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

462 NL = No limitation, monitoring required.
 463 NA = Not applicable.
 464 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.
 465 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
 466 combined to form one representative sample, not to exceed eight grab samples.
 467 Production = See Special Condition No. 5 (Part I B 5).
 468 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
 469 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
 470 submitted with the DMR.

471 Part I

472 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

473 15. MECHANIZED BOTTOM FISH PROCESSING—ALL NEW SOURCES

474 During the period beginning with the permittee's coverage under this general permit and lasting until
 475 the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized
 476 bottom fish processing, from outfall(s) _____.

477 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	7.5	13	NA	1/3 Months	Composite
TSS	NL	NL	2.9	5.3	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.47	1.2	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

478 NL = No limitation, monitoring required.
 479 NA = Not applicable.
 480 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.
 481 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
 482 combined to form one representative sample, not to exceed eight grab samples.
 483 Production = See Special Condition No. 5 (Part I B 5).
 484 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
 485 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
 486 submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

16. HAND-SHUCKED CLAM PROCESSING—EXISTING SOURCES PROCESSING MORE THAN 4,000 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked clam processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	18	59	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.23	0.60	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

17. HAND-SHUCKED CLAM PROCESSING—ALL NEW SOURCES

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked clam processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day	DISCHARGE LIMITATIONS kg/kg	Sample Frequency	Sample Type
--------------------------	--------------------------------	-----------------------------	------------------	-------------

	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	17	55	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.21	0.56	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

511 NL = No limitation, monitoring required.

512 NA = Not applicable.

513 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

514 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)

515 combined to form one representative sample, not to exceed eight grab samples.

516 Production = See Special Condition No. 5 (Part I B 5).

517 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
518 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
519 submitted with the DMR.

520 Part I

521 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

522 18. HAND-SHUCKED OYSTER PROCESSING—EXISTING SOURCES PROCESSING MORE 523 THAN 1,000 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

524 During the period beginning with the permittee's coverage under this general permit and lasting until
525 the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked
526 oyster processing, from outfall(s) _____.

527 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	16	23	NA	1/3 Months	Composite

Oil and Grease	NL	NL	0.77	1.1	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

528 NL = No limitation, monitoring required.

529 NA = Not applicable.

530 Raw material = The weight of oyster meat after shucking.

531 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

532 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)

533 combined to form one representative sample, not to exceed eight grab samples.

534 Production = See Special Condition No. 5 (Part I B 5).

535 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
536 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
537 submitted with the DMR.

538 Part I

539 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

540 19. HAND-SHUCKED OYSTER PROCESSING—ALL NEW SOURCES

541 During the period beginning with the permittee's coverage under this general permit and lasting until
542 the permit's expiration date, the permittee is authorized to discharge wastewater from hand-shucked
543 oyster processing, from outfall(s) _____.

544 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	16	23	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.77	1.1	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

545 NL = No limitation, monitoring required.

546 NA = Not applicable.

547 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

548 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)

549 combined to form one representative sample, not to exceed eight grab samples.

550 Production = See Special Condition No. 5 (Part I B 5).

551 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
552 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
553 submitted with the DMR.

554 Part I

555 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

556 20. STEAMED AND CANNED OYSTER PROCESSING—ALL EXISTING SOURCES

557 During the period beginning with the permittee's coverage under this general permit and lasting until
558 the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized
559 oyster processing, from outfall(s) _____.

560 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	190	270	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.7	2.3	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

561 NL = No limitation, monitoring required.

562 NA = Not applicable.

563 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

564 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
565 combined to form one representative sample, not to exceed eight grab samples.

566 Production = See Special Condition No. 5 (Part I B 5).

567 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
568 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
569 submitted with the DMR.

570 Part I

571 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

572 21. STEAMED AND CANNED OYSTER PROCESSING—ALL NEW SOURCES

573 During the period beginning with the permittee's coverage under this general permit and lasting until
574 the permit's expiration date, the permittee is authorized to discharge wastewater from mechanized
575 oyster processing, from outfall(s) _____.

576 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	17	67	NA	1/3 Months	Composite
TSS	NL	NL	39	56	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.42	0.84	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

NL = No limitation, monitoring required.

NA = Not applicable.

Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup) combined to form one representative sample, not to exceed eight grab samples.

Production = See Special Condition No. 5 (Part I B 5).

Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be submitted with the DMR.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

22. SCALLOP PROCESSING—ALL EXISTING SOURCES

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge wastewater from scallop processing, from outfall(s) _____.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate

pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	1.4	5.7	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.23	7.3	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

593 NL = No limitation, monitoring required.

594 NA = Not applicable.

595 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

596 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
597 combined to form one representative sample, not to exceed eight grab samples.

598 Production = See Special Condition No. 5 (Part I B 5).

599 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
600 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
601 submitted with the DMR.

602 Part I

603 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

604 23. SCALLOP PROCESSING—ALL NEW SOURCES

605 During the period beginning with the permittee's coverage under this general permit and lasting until
606 the permit's expiration date, the permittee is authorized to discharge wastewater from scallop
607 processing, from outfall(s) _____.

608 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	1.4	5.7	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.23	7.3	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

609 NL = No limitation, monitoring required.

610 NA = Not applicable.

611 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

612 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
613 combined to form one representative sample, not to exceed eight grab samples.

614 Production = See Special Condition No. 5 (Part I B 5).

615 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
616 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
617 submitted with the DMR.

618 Part I

619 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

620 24. FARM-RAISED CATFISH PROCESSING—EXISTING SOURCES PROCESSING MORE THAN
621 3,000 POUNDS OF RAW MATERIAL PER DAY ON ANY DAY

622 During the period beginning with the permittee's coverage under this general permit and lasting until
623 the permit's expiration date, the permittee is authorized to discharge wastewater from farm-raised
624 catfish processing, from outfall(s) _____.

625 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	9.2	28	NA	1/3 Months	Composite
Oil and Grease	NL	NL	3.4	10	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

626 NL = No limitation, monitoring required.

627 NA = Not applicable.

628 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

629 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
630 combined to form one representative sample, not to exceed eight grab samples.

631 Production = See Special Condition No. 5 (Part I B 5).

632 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
633 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
634 submitted with the DMR.

635 Part I

636 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

637 25. FARM-RAISED CATFISH PROCESSING—ALL NEW SOURCES

638 During the period beginning with the permittee's coverage under this general permit and lasting until
 639 the permit's expiration date, the permittee is authorized to discharge wastewater from farm-raised
 640 catfish processing, from outfall(s) _____.

641 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	2.3	4.6	NA	1/3 Months	Composite
TSS	NL	NL	5.7	11	NA	1/3 Months	Composite
Oil and Grease	NL	NL	0.45	0.90	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

642 NL = No limitation, monitoring required.

643 NA = Not applicable.

644 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

645 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
 646 combined to form one representative sample, not to exceed eight grab samples.

647 Production = See Special Condition No. 5 (Part I B 5).

648 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
 649 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
 650 submitted with the DMR.

651 Part I

652 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

653 26. HERRING PROCESSING—ALL

654 During the period beginning with the permittee's coverage under this general permit and lasting until
 655 the permit's expiration date, the permittee is authorized to discharge wastewater from herring
 656 processing, from outfall(s) _____.

657 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		

Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
TSS	NL	NL	24	32	NA	1/3 Months	Composite
Oil and Grease	NL	NL	10	27	NA	1/3 Months	Grab
Production	NA	NL	NA	NA	NA	1/3 Months	Measurement

658 NL = No limitation, monitoring required.

659 NA = Not applicable.

660 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

661 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
662 combined to form one representative sample, not to exceed eight grab samples.

663 Production = See Special Condition No. 5 (Part I B 5).

664 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
665 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
666 submitted with the DMR.

667 Part I

668 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

669 27. HERRING PROCESSING—ALL NEW SOURCES

670 During the period beginning with the permittee's coverage under this general permit and lasting until
671 the permit's expiration date, the permittee is authorized to discharge wastewater from herring
672 processing, from outfall(s) _____.

673 Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	MONITORING REQUIREMENTS kg/day		DISCHARGE LIMITATIONS kg/kkg			Sample Frequency	Sample Type
	Monthly Avg	Daily Max	Monthly Avg	Daily Max	Daily Min		
Flow (MGD)	NA	NL	NA	NA	NA	1/3 Months	Estimate
pH (S.U.)	NA	NA	NA	9.0	6.0	1/3 Months	Grab
BOD ₅	NL	NL	15	16	NA	1/3 Months	Composite
TSS	NL	NL	5.2	7.0	NA	1/3 Months	Composite
Oil and Grease	NL	NL	1.1	2.9	NA	1/3 Months	Grab

Production	NA	NL	NA	NA	NA	1/3 Months	Measurement
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674 NL = No limitation, monitoring required.

675 NA = Not applicable.

676 Grab = Individual grab sample is to be taken in the middle of a composite sampling period.

677 Composite = Hourly grab samples taken over the duration of a processing cycle (including cleanup)
678 combined to form one representative sample, not to exceed eight grab samples.

679 Production = See Special Condition No. 5 (Part I B 5).

680 Samples shall be collected by March 31, June 30, September 30, and December 31 and reported by the
681 10th of the following month on the facility's Discharge Monitoring Report (DMR). All calculations shall be
682 submitted with the DMR.

683 B. SPECIAL CONDITIONS APPLYING TO PART I A 1 THROUGH PART I A 27.

684 1. No sewage shall be discharged from a point source to surface waters at this facility except under
685 the provisions of another VPDES permit specifically issued for that purpose.

686 2. There shall be no chemicals added to the water or waste to be discharged, other than those listed
687 on the owner's accepted registration statement.

688 3. Wastewater should be reused or recycled to the maximum extent practicable.

689 4. The permittee shall comply with the following solids management plan:

690 a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

691 b. All floors, machinery, conveyor belts, dock areas, etc. shall be dry swept or dry brushed prior
692 to washdown.

693 c. All settling basins shall be cleaned frequently in order to achieve effective settling.

694 d. All solids resulting from the seafood processes covered under this general permit, other than
695 oyster, clam or scallop shells, shall be handled, stored and disposed of so as to prevent a
696 discharge to state waters of such solids or industrial wastes or other wastes from those solids.

697 e. The permittee shall install and properly maintain wastewater treatment necessary in order to
698 remove organic solids present in the wastewater that may settle and accumulate on the substrate
699 of the receiving waters in other than trace amounts.

700 f. All employees shall receive training relative to preventive measures to be taken to control the
701 release of solids from the facility into surface waters.

702 5. Production to be reported and used in calculating effluent discharge levels in terms of kg/kkg shall
703 be the weight in kilograms of raw material processed, in the form in which it is received at the
704 processing plant, on the day of effluent sampling, except for the hand-shucked oyster, steamed and
705 canned oyster, and scallop processing subcategories, for which production shall mean the weight of
706 oyster or scallop meat after processing. The effluent levels in terms of kg/kkg shall be calculated by
707 dividing the measured pollutant load in kg/day by the production level in kkg (thousands of
708 kilograms).

709 6. The permittee shall notify the department as soon as they know or have reason to believe:

710 a. That any activity has occurred or will occur that would result in the discharge on a routine or
711 frequent basis of any toxic pollutant that is not limited in the permit, if that discharge will exceed
712 the highest of the following notification levels:

713 (1) One hundred micrograms per liter (100 µg/l) of the toxic pollutant;

714 (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred
715 micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one
716 milligram per liter (1 mg/l) for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

b. That any activity has occurred or will occur that would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant that is not limited in the permit if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 µg/l) of the toxic pollutant;

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board.

7. Compliance reporting and recordkeeping under Part I A.

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Effluent Parameter	Quantification Level
BOD	2 mg/l
TSS	1.0 mg/l
Oil and Grease	5.0 mg/l

The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the test method.

b. Recording results. Any concentration below the QL used in the analysis shall be recorded as "<QL" if it is less than the QL used in the analysis (the QL must be less than or equal to the QL in subdivision 7 a of this subsection. Otherwise the numerical value shall be recorded.

c. Monitoring results shall be recorded using the same number of significant digits as listed in the permit. Regardless of the rounding conventions used by the permittee (e.g., five always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

8. The discharges authorized by this permit shall be controlled as necessary to meet water quality standards in 9VAC25-260.

9. If a new process is added after coverage under the general permit is obtained, an amended registration statement must be submitted at least ~~30~~60 days prior to commencing operation of the new ~~process~~ process or a later submittal approved by the board.

10. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination may be filed after one or more of the following conditions have been met:

(1) Operations have ceased at the facility and there are no longer discharges of process wastewater or stormwater associated with the industrial activity;

(2) A new owner has assumed responsibility for the facility. A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted;

(3) All discharges associated with this facility have been covered by an individual VPDES permit or an alternative VPDES permit; or

(4) Termination of coverage is being requested for another reason, provided the board agrees that coverage under this general permit is no longer needed.

b. The notice of termination shall contain the following information:

- (1) Owner's name, mailing address, telephone number, and email address (if available);
- (2) Facility name and location;
- (3) VPDES general permit registration number for the facility; and
- (4) The basis for submitting the notice of termination, including:
- (a) A statement indicating that a new owner has assumed responsibility for the facility;
- (b) A statement indicating that operations have ceased at the facility, and there are no longer discharges from the facility;
- (c) A statement indicating that all discharges have been covered by an individual VPDES permit or an alternative VPDES permit; or
- (d) A statement indicating that termination of coverage is being requested for another reason (state the reason).
- (5) The following certification: "I certify under penalty of law that all wastewater and stormwater discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the facility, or permit coverage should be terminated for another reason listed above. I understand that by submitting this notice of termination, that I am no longer authorized to discharge seafood processing wastewater or, for facilities classified as SIC Code 2091 or 2092, stormwater associated with industrial activity in accordance with the general permit, and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."
- ~~G.c.~~ The notice of termination shall be submitted to the department and signed in accordance with Part III K.

Part II

Stormwater Management

The following stormwater management requirements apply only to seafood processors classified as Standard Industrial Classifications (SIC) 2091 and 2092.

A. Monitoring and Inspections

1. Quarterly visual monitoring of stormwater quality. The permittee shall perform and document visual monitoring of stormwater discharges associated with industrial activity from each outfall, except discharges waived in subdivision d of this subsection. The visual monitoring must be made during normal working hours, at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

a. Samples will be in a clean, colorless glass or plastic container and examined in a well-lit area;

b. Samples will be collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed three hours, provided that the permittee explains in the stormwater pollution prevention plan (SWPPP) why an examination during the first 30 minutes was impractical) of when the runoff or snowmelt begins discharging. All such samples shall be collected from the discharge resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event") providing the interval from the preceding measurable storm event is at least 72 hours. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted.

c. The examination shall observe color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution.

d. If no qualifying storm event resulted in discharge from the facility during a monitoring period, or adverse weather conditions create dangerous conditions for personnel during each measurable storm event during a monitoring period, visual monitoring is exempted provided this is documented in the SWPPP. Acceptable documentation includes dates and times the outfalls were viewed or sampling was attempted, national Climatic Data Center weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data.

e. Representative outfalls – substantially identical stormwater discharges. If the facility has two or more outfalls that discharge substantially identical stormwater effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, frequency of discharges, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct quarterly visual monitoring on the stormwater discharges of just one representative outfall or outfalls.

f. Visual monitoring reports shall be maintained onsite with the SWPPP. The report shall include:

(1) Outfall location;

(2) Monitoring date and time;

(3) Duration of storm event;

(4) Rainfall measurement or estimate (in inches) of the storm event that generated the discharge;

(5) Duration between the storm event sampled and the end of the previous measurable storm event;

(6) Monitoring personnel;

(7) Nature of the discharge (i.e., runoff or snow melt);

(8) Visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution);

(9) Probable sources of any observed stormwater contamination;

(10) Why it was not possible to take the sample within the first 30 minutes (if applicable); and

(11) Documentation to support substantially identical outfalls (if applicable) required by subdivision A 1 e.

g. Corrective Action. Whenever the visual monitoring shows evidence of stormwater pollution, the SWPPP and stormwater control measures shall be updated per Part II B.

2. Routine facility inspections. Personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater.

a. Inspections include loading and unloading areas, storage areas, including associated containment areas, waste management units, vents and stacks emanating from industrial activities, spoiled product and broken product container hold areas, animal holding pens, staging areas, air pollution control equipment, areas where spills or leaks have occurred in the past three years, discharge points, and control measures.

b. At least one member of the pollution prevention team shall participate in the routine facility inspections.

c. The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be at a minimum of once per calendar quarter unless written approval is received from the department for less frequent intervals. Inspections shall be performed during operating hours. At least once each calendar year, the routine facility inspection shall be conducted during a period when a stormwater discharge is occurring.

d. Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 60 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP and shall include at a minimum:

(1) The inspection date;

(2) The names of the inspectors;

(3) Weather information and a description of any discharges occurring at the time of the inspection;

(4) Any previously unidentified discharges of pollutants from the site;

(5) Any control measures needing maintenance or repairs;

(6) Any failed control measures that need replacement;

(7) Any incidents of noncompliance observed; and

(8) Any additional control measures needed to comply with the permit requirements.

f. Corrective Action. Whenever the routine inspection shows evidence of stormwater pollution, the SWPPP and stormwater control measures shall be updated per Part II B.

g. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.

3. Nonstormwater discharges.

a. Allowable nonstormwater discharges. Discharges of certain sources of nonstormwater listed in subdivision 3 c of this subsection are allowable discharges under this permit. All other nonstormwater discharges are not authorized and shall be either eliminated, covered under this permit or covered under a separate VPDES permit.

b. Annual outfall inspection for unauthorized discharges. The SWPPP shall include documentation that all stormwater outfalls associated with industrial activity have been evaluated annually for the presence of unauthorized discharges. The documentation shall include:

(1) The date of the evaluation;

(2) A description of the evaluation criteria used;

(3) A list of the outfalls or on-site drainage points that were directly observed during the evaluation;

(4) A description of the results of the evaluation for the presence of unauthorized discharges; and

(5) The actions taken to eliminate unauthorized discharges if any were identified.

c. The following nonstormwater discharges are authorized by this permit:

(1) Discharges from emergency firefighting activities;

(2) Fire hydrant flushing, managed in a manner to avoid an instream impact;

(3) Potable water, including water line flushing, managed in a manner to avoid an instream impact;

(4) Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

(5) Irrigation drainage;

(6) Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;

(7) Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has

been removed). Pavement wash waters shall be managed in a manner to avoid an instream impact;

(8) Routine external building washdown that does not use detergents or hazardous cleaning products;

(9) Uncontaminated groundwater or spring water;

(10) Foundation or footing drains where flows are not contaminated with process materials; and

(11) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

B. Corrective actions. The permittee shall take corrective action whenever:

1. Routine facility inspections, visual monitoring, inspections by local, state or federal officials, or any other process, observation or event result in a determination that modifications to the stormwater control measures are necessary to meet the permit requirements;

2. The department determines, or the permittee becomes aware, that the stormwater control measures are not stringent enough for the discharge to meet applicable water quality standards.

3. The permittee shall review the SWPPP and modify it as necessary to address any deficiencies. Revisions to the SWPPP shall be completed within 60 days following the discovery of the deficiency. When control measures need to be modified or added, implementation shall be completed before the next anticipated storm event if possible, but no later than 60 days after the deficiency is discovered, or as otherwise provided or approved by the department. In cases where construction is necessary to implement control measures, the permittee shall include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the deficiency is discovered. Where a construction compliance schedule is included in the SWPPP, the SWPPP shall include appropriate nonstructural and temporary controls to be implemented in the affected portion of the facility prior to completion of the permanent control measure. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.

4. Any corrective actions taken shall be documented and retained with the SWPPP. Reports of corrective actions shall be signed in accordance with Part III K.

Stormwater Pollution Prevention Plans

C. Stormwater Pollution Prevention Plans (SWPPP). A stormwater pollution prevention plan (SWPPP) shall be developed for each facility covered by this permit. A SWPPP shall be developed and implemented for the facility covered by this permit, which has stormwater discharges associated with industrial activity and is classified under SIC Code 2091 or 2092. The SWPPP is intended to document the selection, design, and installation of control measures, including BMPs, to minimize the pollutants in all stormwater discharges from the facility, and to meet applicable effluent limitations and water quality standards.

~~The SWPPP shall be prepared in accordance with good engineering practices and shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the facility. In addition, the plan shall describe and ensure the implementation of practices that will be used to reduce the pollutants in stormwater discharges from the facility and shall assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the SWPPP as a condition of this permit.~~

The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as an erosion and sediment control (ESC) plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of this section.

SWPPP). If an ESC plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations, 9VAC25-840. All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part III C 2, the permittee shall develop the missing SWPPP elements and include them in the required plan.

A.1. Deadlines for planSWPPP preparation and compliance.

~~1.a. Facilities that were covered under the 2011 Seafood Processing Facilities General Permit.~~ Owners of facilities that were covered under the ~~2011~~2016 Seafood Processing Facilities General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP ~~required by this part~~ within 60 days of the board granting coverage under this permit.

~~2.b. New facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit.~~ Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit that elect to be covered under this general permit ~~must~~shall prepare and implement the SWPPP within 60 days of the board granting coverage under this permit.

~~3.c. New owners of existing facilities.~~ Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility must update and implement any revisions to the SWPPP within 60 days of the ~~transfer of title of the facility.~~ownership change.

~~4.d. Extensions.~~ Upon a showing of good cause, the director may establish a later date in writing for preparation of and compliance with the SWPPP.

B.2. Contents of the SWPPP. The contents of the SWPPP shall include, at a minimum, the following items:

1.a. Pollution prevention team. The SWPPP shall identify the staff individuals by name or title who comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and ~~maintaining~~ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

2.b. Site description. The SWPPP shall include the following:

~~a.(1) Activities at the facility.~~ A description of the nature of the industrial activities at the facility.

~~b. General location map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.~~

~~c.(2) Site map. A site map identifying the following:~~

~~(1) The size of the property (in acres);~~(a) The boundaries of the property and the size of the property in acres;

~~(2)(b) The location and extent of significant structures and impervious surfaces (roofs, paved areas, and any other impervious areas);~~

~~(3)(c) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow (e.g., use arrows to show which ways stormwater will flow) using arrows to indicate which direction stormwater will flow;~~

~~(4)(d) Locations of all existing structural and source control BMPs;~~stormwater control measures, including BMPs;

~~(5)(e) Locations of all surface water bodies receiving discharges from the site, including wetlands;~~

~~(6)(f) Locations of identified potential pollutant sources;~~sources identified in Part II C 2 c;

~~(7)(g) Locations where significant spills or leaks identified under Part II C 2 c (3) have occurred;~~
~~(8)(h) Locations of the following activities where such activities are exposed to precipitation:~~
~~fueling stations; vehicle and equipment maintenance or cleaning areas; loading or unloading~~
~~areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks;~~
~~processing and storage areas; access roads, rail cars and tracks; transfer areas for substances~~
~~in bulk; and machinery;~~

~~(9) Locations of stormwater outfalls and outfalls, monitoring locations, an approximate outline of~~
~~the area draining to each outfall, the drainage area of each outfall in acres, the longitude and~~
~~latitude of each outfall, and the location of any municipal separate storm sewer systems~~
~~(MS4s), system (MS4) conveyance receiving discharge from the facility if the stormwater from the~~
~~facility discharges to them; and each outfall identified with a unique numerical identification codes.~~
~~For example: Outfall Number 001, Outfall Number 002, etc.~~

~~(10)(i) Location and description of all nonstormwater discharges;~~

~~(11)(j) Location of any storage piles containing salt used for deicing or other commercial or~~
~~industrial purposes; and salt;~~

~~(12)(k) Location and source of run-on suspected run-on to the site from an adjacent property,~~
~~where the run-on contains property if the run-on is suspected of containing significant quantities~~
~~of pollutants. pollutants; and~~

~~(l) Locations of vents and stacks from cooking, drying, and similar operations; dry product~~
~~vacuum transfer lines; animal holding pens; spoiled product; and broken product container~~
~~storage area if exposed to precipitation or runoff.~~

~~d. Receiving waters and wetlands. The name of all surface waters receiving discharges from the~~
~~site, including intermittent streams. A description of wetland sites that may receive discharges~~
~~from the facility shall also be provided. If the facility discharges through an MS4, the MS4 operator~~
~~and the receiving water to which the MS4 discharges shall also be identified.~~

~~3-c. Summary of potential pollutant sources. The SWPPP shall identify each separate area at the~~
~~facility where industrial materials or activities are exposed to stormwater. Industrial materials or~~
~~activities include, but are not limited to, include material handling equipment or activities,~~
~~industrial machinery, raw materials, industrial production and processes, intermediate products,~~
~~byproducts, final products, and waste products. waste products and application and storage of~~
~~pest control chemicals used on facility grounds. Material handling activities include, but are not~~
~~limited to, include the storage, loading and unloading, transportation, disposal, or conveyance of~~
~~any raw material, intermediate product, final product or waste product. For each separate area~~
~~identified, the description shall include:~~

~~a. (1) Activities in area. A list of the industrial activities (e.g., material storage, equipment fueling~~
~~and cleaning, cutting steel beams); exposed to stormwater;~~

~~b. (2) Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil,~~
~~zinc, sulfuric acid, cleaning solvents, etc.) for each activity. pollutants, pollutant constituents, or~~
~~industrial chemicals associated with each industrial activity that could potentially be exposed to~~
~~stormwater. The pollutant list shall include all significant materials handled, treated, stored, or~~
~~disposed that have been exposed to stormwater in the three years prior to the date the SWPPP~~
~~was prepared or amended. The list shall include any hazardous substances or oil at~~
~~the facility.~~

~~4.(3) Spills and leaks. The SWPPP shall clearly identify areas where potential spills and leaks~~
~~that can contribute pollutants to stormwater discharges can occur and their corresponding~~
~~outfalls. The SWPPP shall include a list of significant spills and leaks of toxic or hazardous~~
~~pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance~~
~~during the three-year period prior to the date this SWPPP was prepared or amended. The list~~

shall be updated within 60 days of the incident if significant spills or leaks occur in exposed areas of the facility during the term of the permit. ~~Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities.~~

5. ~~Stormwater controls.~~

~~a. BMPs~~d. Control measure considerations. Control measures shall be implemented for all the areas identified in ~~Part II B 3~~Part II C 2 c (Summary of potential pollutant sources) to prevent or control pollutants in stormwater discharges from the facility. ~~If applicable, steps shall be taken to control or address the quality of discharges from the site that do not originate at the facility.~~If applicable, regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility. The SWPPP shall describe the type, location, and implementation of all ~~BMPs~~control measures for each area where industrial materials or activities are exposed to stormwater. Selection of ~~BMPs~~control measures shall take into consideration:

(1) That preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;

(2) ~~BMPs~~Control measures generally must be used in combination with each other for most effective water quality protection;

(3) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;

(4) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid groundwater contamination);

(5) Flow attenuation by use of open vegetated swales and natural depressions can reduce ~~in-stream~~instream impacts of erosive flows;

(6) Conservation or restoration of riparian buffers will help protect streams from stormwater runoff and improve water quality; and

(7) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

~~b-e.~~ Control measures. The permittee shall implement the following types of ~~BMPs~~control measures to prevent and control pollutants in the stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges ~~(e.g., there are no storage piles containing salt).~~discharges.

(1) Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. ~~Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The SWPPP shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and of the conditions of drums, tanks, and containers. The introduction of raw, final or waste materials to exposed areas of the facility shall be minimized. The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized. The permittee shall perform the following good housekeeping measures to minimize pollutant discharges:~~

(a) The SWPPP shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks, and containers;

(b) Sweep or vacuum as feasible;

(c) Store materials in containers constructed of appropriate materials;

(d) Manage all waste containers to prevent a discharge of pollutants;

1082 (e) Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping
1083 areas exposed to stormwater free of such materials or by intercepting such materials prior to
1084 discharge; and

1085 (f) Implement BMPs to eliminate stormwater discharges of plastics.

1086 (2) Eliminating and minimizing exposure. To the ~~maximum~~-extent practicable, manufacturing,
1087 processing, and material storage areas (including loading and unloading, storage, disposal,
1088 cleaning, maintenance, and fueling operations) ~~industrial materials and activities~~ shall be located
1089 inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt,
1090 and runoff. Unless infeasible, facilities shall implement the following:

1091 (a) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on
1092 away from potential sources of pollutants;

1093 (b) Locate materials, equipment, and activities so that potential leaks and spills are contained, or
1094 able to be contained, or diverted before discharge;

1095 (c) Clean up spills and leaks immediately, upon discovery of the spills or leaks, using dry methods
1096 (e.g., absorbents) to prevent the discharge of pollutants;

1097 (d) Store leaking vehicles and equipment indoors or, if stored outdoors, use drip pans and
1098 adsorbents;

1099 (e) Utilize appropriate spill or overflow protections equipment;

1100 (f) Perform all vehicle maintenance or equipment cleaning operations indoors, under cover, or in
1101 bermed areas that prevent runoff and run-on and also capture any overspray; and

1102 (g) Drain fluids from equipment and vehicles that will be decommissioned, and for any equipment
1103 and vehicles that remain unused for extended periods of time, inspect at least monthly for leaks.

1104 (3) Preventive maintenance. The SWPPP shall include preventive maintenance that includes a
1105 description of procedures and a regular schedule for inspection of the following:

1106 (a) All control measures that includes a description of the back-up practices that are in place
1107 should a runoff event occur while a control measure is off line; and

1108 (b) ~~The permittee shall have a preventive maintenance program that includes regular inspection,~~
1109 ~~testing, Testing, maintenance, and repairing of all industrial equipment and systems to avoid~~
1110 ~~breakdowns or failures situations that could result in leaks, spills, and other releases.~~ releases of
1111 pollutants in stormwater discharged from the facility. This program is in addition to the specific
1112 BMP maintenance required under Part II C (Maintenance of BMPs) of the permit.

1113 (4) Spill prevention and response procedures. The SWPPP shall describe the procedures that
1114 will be followed for preventing and responding to spills and ~~leaks.~~leaks including:

1115 (a) Preventive measures include measures, such as barriers between material storage and traffic
1116 areas, secondary containment provisions, and procedures for material storage and
1117 handling-handling;

1118 (b) Response procedures shall include (i) procedures, including notification of appropriate facility
1119 personnel, emergency agencies, and regulatory agencies; and (ii) procedures for stopping,
1120 containing, and cleaning up spills. Measures for cleaning up hazardous material spills or leaks
1121 shall be consistent with applicable RCRA Resource Conservation and Recovery Act regulations
1122 at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect, or respond to a
1123 spill or leak shall be trained in these procedures and have necessary spill response equipment
1124 available. ~~One~~ If possible, one of these individuals shall be a member of the pollution prevention
1125 team.

1126 (c) Procedures for plainly labeling containers (e.g., "used oil," "spent solvents," "fertilizers and
1127 pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling
1128 and facilitate rapid response if spills or leaks occur; and

(e)(d) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP and maintained in other locations where it will be readily available.

~~(5) Routine facility inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of BMPs shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part II D. At least one member of the pollution prevention team shall participate in the routine facility inspections. The inspection frequency shall be specified in the SWPPP and be based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP, along with the date(s) and description(s) of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.~~

~~(6)~~(5) Employee training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all training and shall document all training sessions and the employees who received the training. Training shall be provided at least annually for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors and maintenance ~~personnel~~ personnel, etc.) The training shall cover the components and goals of the SWPPP and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, ~~etc. and pest control~~. The SWPPP shall include a summary of any training performed.

~~(7)~~(6) Sediment and erosion control. The SWPPP shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, or stabilization BMPs control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

~~(8)~~(7) Management of runoff. The plan shall describe the stormwater runoff management practices (i.e., permanent structural BMPs control measures) for the facility. These types of BMPs are typically control measures shall be used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site.

Structural BMPs control measures may require a separate permit under § 404 of the federal Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.

C. Maintenance. All BMPs identified in the SWPPP shall be maintained in effective operating condition. Stormwater BMPs identified in the SWPPP shall be observed during active operation (i.e., during a stormwater runoff event) to ensure that they are functioning correctly. The observations shall be documented in the SWPPP.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off line. The effectiveness of nonstructural BMPs shall also be maintained (e.g., spill response supplies available and personnel trained).

1177 If site inspections required by Part II B 5 b (5) (Routine facility inspections) or Part II D (Comprehensive
1178 site compliance evaluation) identify BMPs that are not operating effectively, repairs or maintenance shall be
1179 performed before the next anticipated storm event. In the interim, back-up measures shall be employed and
1180 documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the
1181 SWPPP of maintenance and repairs of BMPs, including the date or dates of regular maintenance, date or
1182 dates of discovery of areas in need of repair or replacement, and for repairs, date or dates that the BMPs
1183 returned to full function, and the justification for any extended maintenance or repair schedules.

1184 D. Comprehensive site compliance evaluation. The permittee shall conduct comprehensive site
1185 compliance evaluations at least once a year. The evaluations shall be done by qualified personnel who
1186 possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at
1187 the facility, and who can also evaluate the effectiveness of BMPs. The personnel conducting the evaluations
1188 may be either facility employees or outside constituents hired by the facility.

1189 1. Scope of the compliance evaluation. Evaluations shall include all areas where industrial materials
1190 or activities are exposed to stormwater, as identified in Part II B 3. The personnel shall evaluate:

- 1191 a. Industrial materials, residue or trash that may have or could come into contact with stormwater;
- 1192 b. Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have
- 1193 occurred within the past three years;
- 1194 c. Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the
- 1195 site;
- 1196 d. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed
- 1197 areas;
- 1198 e. Evidence of, or the potential for, pollutants entering the drainage system;
- 1199 f. Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of
- 1200 and around the outfall, including flow dissipation measures to prevent scouring;
- 1201 g. Review of training performed, inspections completed, maintenance performed, quarterly visual
- 1202 examinations, and effective operation of BMPs; and
- 1203 h. Review of the results of both visual and any analytical monitoring done during the past year.

1204 2. Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show
1205 additional controls on the map required by Part II B 2 c; revise the description of controls required by
1206 Part II B 5 to include additional or modified BMPs designed to correct problems identified). Revisions
1207 to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a
1208 later date is granted in writing by the director. If existing BMPs need to be modified or if additional
1209 BMPs are necessary, implementation shall be completed before the next anticipated storm event, if
1210 practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless
1211 permission for a later date is granted in writing by the department.

1212 3. Compliance evaluation report. A report shall be written summarizing the scope of the evaluation,
1213 the name or names of personnel making the evaluation, the date or dates of the evaluation, and all
1214 observations relating to the implementation of the SWPPP, including elements stipulated in Part II D
1215 4 (a) through (f) of this general permit. Observations shall include such things as: the location or
1216 locations of discharges of pollutants from the site; the location or locations of previously unidentified
1217 sources of pollutants; the location or locations of BMPs that need to be maintained or repaired; the
1218 location or locations of failed BMPs that need replacement; and location or locations where additional
1219 BMPs are needed. The report shall identify any incidents of noncompliance that were observed.
1220 Where a report does not identify any incidents of noncompliance, the report shall contain a
1221 certification that the facility is in compliance with the SWPPP and this permit. The report shall be
1222 signed in accordance with Part III K and maintained with the SWPPP.

1223 4. Where compliance evaluation schedules overlap with routine inspections required under Part II B
1224 5 b (5), the annual compliance evaluation may be used as one of the routine inspections.

1225 E.3. Signature and planSWPPP review.

1226 4.a. Signature/location. ~~Signature and location.~~ The SWPPP~~SWPPP~~, including revisions to the

1227 SWPPP to document any corrective actions taken as required by Part II B, shall be signed in

1228 accordance with Part III K, dated, and retained on-site at the facility covered by this permit. All

1229 other changes to the SWPPP, and other permit compliance documentation, must be signed and

1230 dated by the person preparing the change or documentation.

1231 2.b. Availability. The permittee shall retain a copy of the current SWPPP required by this permit

1232 at the facility, and it shall be immediately available to the department, EPA or the operator of an

1233 MS4 receiving discharges from the site at the time of an on-site inspection or upon request. ~~make~~

1234 ~~the SWPPP, annual site compliance evaluation report, and other information available to the~~

1235 ~~department upon request.~~

1236 3.c. Required modifications. The permittee shall modify the SWPPP whenever necessary to

1237 address all corrective actions required by Part II B (Corrective Actions). Changes to the SWPPP

1238 shall be made in accordance with the corrective action deadlines in Part II B, and shall be signed

1239 and dated in accordance with Part III K. The director may notify the permittee at any time that

1240 the SWPPP, BMPs, control measures, or other components of the facility's stormwater program

1241 do not meet one or more of the requirements of this permit. The notification shall identify specific

1242 provisions of the permit that are not being met and may include required modifications to the

1243 stormwater program, additional monitoring requirements, and special reporting requirements.

1244 The permittee shall make any required changes to the SWPPP within 60 days of receipt of such

1245 notification, unless permission for a later date is granted in writing by the director, and shall

1246 submit a written certification to the director that the requested changes have been made.

1247 F.4. Maintaining an updated SWPPP.

1248 4. The permittee shall review and amend the SWPPP as appropriate whenever:

1249 a. There is construction or a change in design, operation, or maintenance at the facility that has

1250 an effect on the discharge, or the potential for the discharge, of pollutants from the ~~facility~~

1251 ~~sufficient to impact water quality; facility;~~

1252 b. Routine inspections or ~~compliance evaluations~~ visual monitoring determine that there are

1253 deficiencies in the control measures, including BMPs;

1254 c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are

1255 necessary;

1256 d. There is a significant spill, leak or other release at the facility; or

1257 e. There is an unauthorized discharge from the facility.

1258 2.f. SWPPP modifications shall be made within ~~30~~60 calendar days after the discovery,

1259 observation, or event requiring a SWPPP modification. Implementation of new or modified BMPs

1260 ~~(distinct from regular preventive maintenance of existing BMPs described in Part II C)~~ control

1261 measures shall be initiated before the next storm event if possible, but no later than 60 days after

1262 discovery, or as otherwise provided or approved by the director. The amount of time taken to

1263 modify a BMP control measure or implement additional BMPs control measures shall be

1264 documented in the SWPPP.

1265 3.g. If the SWPPP modification is based on a significant spill, leak, release or unauthorized

1266 discharge, include a description and date of the ~~release incident~~, the circumstances leading to

1267 the ~~release incident~~, actions taken in response to the ~~release incident~~, and measures to prevent

1268 the recurrence of such releases. Unauthorized ~~releases and~~ discharges are subject to the

1269 reporting requirements of Part III G of this permit.

1270 G. Allowable nonstormwater discharges. ~~The following nonstormwater discharges are authorized by this~~

1271 ~~permit:~~

- 1272 1. Discharges from fire-fighting activities;
1273 2. Fire hydrant flushings;
1274 3. Potable water including water line flushings;
1275 4. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the
1276 outside storage of refrigerated gases or liquids;
1277 5. Irrigation drainage;
1278 6. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in
1279 accordance with the approved labeling;
1280 7. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous
1281 materials have occurred, unless all spilled material has been removed;
1282 8. Routine external building wash down that does not use detergents;
1283 9. Uncontaminated groundwater or spring water;
1284 10. Foundation or footing drains where flows are not contaminated with process materials; and
1285 11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of
1286 the facility, but not intentional discharges from the cooling tower, for example, "piped" cooling tower
1287 blowdown or drains.

Part III

Conditions Applicable to All VPDES Permits

A. Monitoring.

- 1291 1. Samples and measurements taken as required by this permit shall be representative of the
1292 monitored activity.
1293 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or
1294 alternative methods approved by the U.S. Environmental Protection Agency, unless other
1295 procedures have been specified in this permit.
1296 3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring
1297 and analytical instrumentation at intervals that will ensure accuracy of measurements.
1298 4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45,
1299 Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for
1300 Commercial Environmental Laboratories.

B. Records.

- 1302 1. Records of monitoring information shall include:
1303 a. The date, exact place, and time of sampling or measurements;
1304 b. The ~~individual(s)~~individuals who performed the sampling or measurements;
1305 c. The ~~date(s) and time(s)~~dates and times analyses were performed;
1306 d. The ~~individual(s)~~individuals who performed the analyses;
1307 e. The analytical techniques or methods used; and
1308 f. The results of such analyses.
1309 2. The permittee shall retain records of all monitoring information, including all calibration and
1310 maintenance records and all original strip chart recordings for continuous monitoring instrumentation,
1311 copies of all reports required by this permit, and records of all data used to complete the registration
1312 statement for this permit, for a period of at least three years from the date of the sample,
1313 measurement, report or request for coverage. This period of retention shall be extended
1314 automatically during the course of any unresolved litigation regarding the regulated activity or
1315 regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

- 1317 1. The permittee shall submit the results of the monitoring required by this permit not later than the
1318 10th day of the month after monitoring takes place, unless another reporting schedule is specified
1319 elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
- 1320 2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms
1321 provided, approved or specified by the department. Following notification from the department of the
1322 start date for the required electronic submission of monitoring reports, as provided for in 9VAC25-
1323 31-1020, such forms and reports submitted after that date shall be electronically submitted to the
1324 department in compliance with this section and 9VAC25-31-1020. There shall be at least 3 months'
1325 notice provided between the notification from the department and the date after which such forms
1326 and reports must be submitted electronically.
- 1327 3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than
1328 required by this permit using test procedures approved under 40 CFR Part 136 or using other test
1329 procedures approved by the U.S. Environmental Protection Agency or using procedures specified in
1330 this permit, the results of this monitoring shall be included in the calculation and reporting of the data
1331 submitted in the DMR or reporting form specified by the department.
- 1332 4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic
1333 mean unless otherwise specified in this permit.
- 1334 D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time,
1335 any information that the board may request to determine whether cause exists for modifying, revoking and
1336 reissuing, or terminating coverage under this permit or to determine compliance with this permit. The board
1337 may require the permittee to furnish, upon request, such plans, specifications, and other pertinent
1338 information as may be necessary to determine the effect of the wastes from ~~his~~the permittee's discharge on
1339 the quality of state waters, or such other information as may be necessary to accomplish the purposes of
1340 the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of
1341 records required to be kept by this permit.
- 1342 E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports
1343 on, interim and final requirements contained in any compliance schedule of this permit shall be submitted
1344 no later than 14 days following each schedule date.
- 1345 F. Unauthorized discharges. Except in compliance with this permit or another permit issued by the board,
1346 it shall be unlawful for any person to:
- 1347 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious
1348 substances; or
- 1349 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them
1350 detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic
1351 or industrial consumption, or for recreation, or for other uses.
- 1352 G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge
1353 of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters
1354 in violation of Part III F (Unauthorized discharges); or who discharges or causes or allows a discharge that
1355 may reasonably be expected to enter state waters in violation of Part III F, shall notify (see NOTE in Part III
1356 I) the department of the discharge immediately upon discovery of the discharge, but in no case later than
1357 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the
1358 department within five days of discovery of the discharge. The written report shall contain:
- 1359 1. A description of the nature and location of the discharge;
- 1360 2. The cause of the discharge;
- 1361 3. The date on which the discharge occurred;
- 1362 4. The length of time that the discharge continued;
- 1363 5. The volume of the discharge;

- 1364 6. If the discharge is continuing, how long it is expected to continue;
1365 7. If the discharge is continuing, what the expected total volume of the discharge will be; and
1366 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge
1367 or any future discharges not authorized by this permit.

1368 Discharges reportable to the department under the immediate reporting requirements of other
1369 regulations are exempted from this requirement.

1370 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including
1371 a bypass or upset, should occur from a treatment works and the discharge enters or could be expected to
1372 enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by
1373 telephone after the discovery of the discharge. This notification shall provide all available details of the
1374 incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee
1375 shall reduce the report to writing and shall submit it to the department within five days of discovery of the
1376 discharge in accordance with Part III I 2. Unusual and extraordinary discharges include ~~but are not limited~~
1377 ~~to~~ any discharge resulting from:

- 1378 1. Unusual spillage of materials resulting directly or indirectly from processing operations;
1379 2. Breakdown of processing or accessory equipment;
1380 3. Failure or taking out of service some or all of the treatment works; and
1381 4. Flooding or other acts of nature.

1382 I. Reports of noncompliance.

1383 1. The permittee shall report any noncompliance that may adversely affect state waters or may
1384 endanger public health.

1385 1-a. An oral report shall be provided within 24 hours from the time the permittee becomes aware
1386 of the circumstances. The following shall be included as information that shall be reported within
1387 24 hours under this subdivision:

1388 a-(1) Any unanticipated bypass; and

1389 b-(2) Any upset that causes a discharge to surface waters.

1390 2-b. A written report shall be submitted within five days and shall contain:

1391 a-(1) A description of the noncompliance and its cause;

1392 b-(2) The period of noncompliance, including exact dates and times, and if the noncompliance
1393 has not been corrected, the anticipated time it is expected to continue; and

1394 c-(3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
1395 noncompliance.

1396 The board may waive the written report on a case-by-case basis for reports of noncompliance under
1397 Part III I if the oral report has been received within 24 hours and no adverse impact on state waters
1398 has been reported.

1399 3-2. The permittee shall report all instances of noncompliance not reported under Parts III I 1 or 2, in
1400 writing, at the time the next monitoring reports are submitted. The reports shall contain the
1401 information listed in Part III I 2.

1402 NOTE: 3. The immediate (within 24 hours) reports required in Part III G, H, and I may be made to
1403 the department's regional office. Reports may be made by telephone, FAX, or online at
1404 <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx>.

1405 For reports outside normal working hours, leave a message and this shall fulfill the immediate
1406 reporting requirement. For emergencies, the Virginia Department of Emergency Management
1407 maintains a 24-hour telephone service at 1-800-468-8892.

1408 4. Where the permittee becomes aware that it failed to submit any relevant facts in a permit
1409 registration statement, or submitted incorrect information in a permit registration statement or in any
1410 report to the department, it shall promptly submit such facts or information.

1411 J. Notice of planned changes.

1412 1. The permittee shall give notice to the department as soon as possible of any planned physical
1413 alterations or additions to the permitted facility. Notice is required only when:

1414 a. The permittee plans alteration or addition to any building, structure, facility, or installation from
1415 which there is or may be a discharge of pollutants, the construction of which commenced:

1416 (1) After promulgation of standards of performance under § 306 of the federal Clean Water Act
1417 that are applicable to such source; or

1418 (2) After proposal of standards of performance in accordance with § 306 of the federal Clean
1419 Water Act that are applicable to such source, but only if the standards are promulgated in
1420 accordance with § 306 within 120 days of their proposal;

1421 b. The alteration or addition could significantly change the nature or increase the quantity of
1422 pollutants discharged. This notification applies to pollutants that are subject neither to effluent
1423 limitations nor to notification requirements specified elsewhere in this permit; under Part I B 6; or

1424 c. The alteration or addition results in a significant change in the permittee's sludge use or
1425 disposal practices and such alteration, addition, or change may justify the application of permit
1426 conditions that are different from or absent in the existing permit, including notification of
1427 additional use or disposal sites not reported during the permit application registration process or
1428 not reported pursuant to an approved land application plan.

1429 2. The permittee shall give advance notice to the department of any planned changes in the permitted
1430 facility or activity that may result in noncompliance with permit requirements.

1431 K. Signatory requirements.

1432 1. Registration statement. All registration statements shall be signed as follows:

1433 a. For a corporation: by a responsible corporate officer. For the purposes of this section, a
1434 responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the
1435 corporation in charge of a principal business function, or any other person who performs similar
1436 policy-making or decision-making functions for the corporation, or (ii) the manager of one or more
1437 manufacturing, production, or operating facilities provided the manager is authorized to make
1438 management decisions that govern the operation of the regulated facility, including having the
1439 explicit or implicit duty of making capital investment recommendations, and initiating and directing
1440 other comprehensive measures to assure long term environmental compliance with
1441 environmental laws and regulations; the manager can ensure that the necessary systems are
1442 established or other actions taken to gather complete and accurate information for permit
1443 application requirements; and where authority to sign documents has been assigned or
1444 delegated to the manager in accordance with corporate procedures;

1445 b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

1446 c. For a municipality, state, federal, or other public agency: by either a principal executive officer
1447 or ranking elected official. For purposes of this section, a principal executive officer of a public
1448 agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer
1449 having responsibility for the overall operations of a principal geographic unit of the agency.

1450 2. Reports and other requested information. All reports required by permits, and other information
1451 requested by the board, shall be signed by a person described in Part III K 1 or by a duly authorized
1452 representative of that person. A person is a duly authorized representative only if:

1453 a. The authorization is made in writing by a person described in Part III K 1;

1454 b. The authorization specifies either an individual or a position having responsibility for the overall
1455 operation of the regulated facility or activity such as the position of plant manager, operator of a
1456 well or a well field, superintendent, position of equivalent responsibility, or an individual or
1457 position having overall responsibility for environmental matters for the company. A duly
1458 authorized representative may thus be either a named individual or any individual occupying a
1459 named position; and

1460 c. The written authorization is submitted to the department.

1461 3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a
1462 different individual or position has responsibility for the overall operation of the facility, a new
1463 authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to
1464 or together with any reports or information to be signed by an authorized representative.

1465 4. Certification. Any person signing a document under Part III K 1 or 2 shall make the following
1466 certification:

1467 "I certify under penalty of law that this document and all attachments were prepared under my
1468 direction or supervision in accordance with a system designed to assure that qualified personnel
1469 properly gather and evaluate the information submitted. Based on my inquiry of the person or
1470 persons who manage the system, or those persons directly responsible for gathering the
1471 information, the information submitted is, to the best of my knowledge and belief, true, accurate,
1472 and complete. I am aware that there are significant penalties for submitting false information,
1473 including the possibility of fine and imprisonment for knowing violations."

1474 L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit
1475 noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water Act,
1476 except that noncompliance with certain provisions of this permit may constitute a violation of the State Water
1477 Control Law but not the federal Clean Water Act. Permit noncompliance is grounds for enforcement action;
1478 for permit coverage termination, revocation and reissuance, or modification; or denial of a permit renewal
1479 application.

1480 The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the
1481 Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards,
1482 even if this permit has not yet been modified to incorporate the requirement.

1483 M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the
1484 expiration date of this permit, the permittee shall submit a new registration statement at least ~~3060~~ 60 days
1485 before the expiration date of the existing permit, unless permission for a later date has been granted by the
1486 board. The board shall not grant permission for registration statements to be submitted later than the
1487 expiration date of the existing permit.

1488 N. Effect of a permit. This permit does not convey any property rights in either real or personal property
1489 or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights
1490 or any infringement of federal, state or local laws or regulations.

1491 O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action
1492 under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any
1493 other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except
1494 as provided in permit conditions in Part III U (Bypass) and Part III V (Upset) nothing in this permit shall be
1495 construed to relieve the permittee from civil and criminal penalties for noncompliance.

1496 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the
1497 institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which
1498 the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control
1499 Law.

1500 Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all
1501 facilities and systems of treatment and control (and related appurtenances) that are installed or used by the

1502 permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also
1503 includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and
1504 process controls, including appropriate quality assurance procedures. This provision requires the operation
1505 of back-up or auxiliary facilities or similar systems that are installed by the permittee only when the operation
1506 is necessary to achieve compliance with the conditions of this permit.

1507 R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment
1508 or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such
1509 materials from entering state waters.

1510 S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge
1511 or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting
1512 human health or the environment.

1513 T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement
1514 action that it would have been necessary to halt or reduce the permitted activity in order to maintain
1515 compliance with the conditions of this permit.

1516 U. Bypass.

1517 1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
1518 The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded,
1519 but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not
1520 subject to the provisions of Part III U 2 and U 3.

1521 2. Notice.

1522 a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice
1523 shall be submitted if possible at least 10 days before the date of the bypass.

1524 b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as
1525 required in Part III I (Reports of noncompliance).

1526 3. Prohibition of bypass.

1527 a. Bypass is prohibited, and the board may take enforcement action against a permittee for
1528 bypass, unless:

- 1529 (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
1530 (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment
1531 facilities, retention of untreated wastes, or maintenance during normal periods of equipment
1532 downtime. This condition is not satisfied if adequate back-up equipment should have been
1533 installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred
1534 during normal periods of equipment downtime or preventive maintenance; and
1535 (3) The permittee submitted notices as required under Part III U 2.

1536 b. The board may approve an anticipated bypass, after considering its adverse effects, if the
1537 board determines that it will meet the three conditions listed in Part III U 3 a.

1538 V. Upset.

1539 1. An upset, defined in 9VAC25-31-10, constitutes an affirmative defense to an action brought for
1540 noncompliance with technology-based permit effluent limitations if the requirements of Part III V 2
1541 are met. A determination made during administrative review of claims that noncompliance was
1542 caused by upset, and before an action for noncompliance, is not a final administrative action subject
1543 to judicial review.

1544 2. A permittee that wishes to establish the affirmative defense of upset shall demonstrate, through
1545 properly signed, contemporaneous operating logs or other relevant evidence that:

- 1546 a. An upset occurred and that the permittee can identify the ~~cause(s)~~causes of the upset;
1547 b. The permitted facility was at the time being properly operated;

- c. The permittee submitted notice of the upset as required in Part III I; and
d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director or an authorized ~~representative~~representative (including an authorized contractor acting as a representative of the administrator), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the federal Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours ~~and/or~~ whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits. ~~Permits are permit coverage.~~

1. Permit coverage is not transferable to any person except after notice to the department.

2. Coverage under this permit may be automatically transferred to a new permittee if:

4.a. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property unless permission for a later date has been granted by the board;

2.b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3.c. The board does not notify the existing permittee and the proposed new permittee of its intent to deny the permittee coverage under the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2.

Z. Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

FORMS (9VAC25-115)

Change of Ownership Agreement Form (rev. 3/2014)

Department of Environmental Quality Water Division Permit Application Fee Form, Form 5 (rev. 10/2018)

Registration Statement for the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities, July 2016 reissuance (rev. 4/2016)

1593 DOCUMENTS INCORPORATED BY REFERENCE (9VAC25-115)

1594 Standard Industrial Classification (SIC) 2091, 2092, 5142 or 5046 (Office of Management and Budget
1595 (OMB) SIC Manual, 1987).

**COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD
DRAFT FACT SHEET
REISSUANCE OF A VPDES GENERAL PERMIT FOR SEAFOOD PROCESSING
FACILITIES**

Reissuance Year: 2021

The State Water Control Board (Board) has under consideration the reissuance of a VPDES general permit for point source discharges from seafood processing facilities.

Permit Number: VAG52

Name of Permittee: Any owner of a qualifying seafood processing facility with point source discharges agreeing to be regulated under the terms of this general permit. Other than mechanized clam processing operations, which are excluded from coverage under this permit, seafood processing facilities for the purpose of this permit will be those classified in the following North American Industry Classification System (NAICS) and Standard Industrial Classification (SIC) codes:

NAICS

31170 – Seafood Product Preparation and Packaging

424420 – Packaged Frozen Food Merchant Wholesalers

424460 – Fish and Seafood Merchant Wholesalers; and

SIC

2091 - Canned and Cured Fish and Seafoods

2092 - Prepared Fresh or Frozen Fish and Seafoods

5142 - Packaged Frozen Seafood - wholesale

5146 - Fish and Seafood - wholesale distribution but not packaging of fresh, cured or frozen (not canned or packaged frozen)

Facility Locations: Commonwealth of Virginia, currently all facilities are in Accomack, Gloucester, Isle of Wight, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Westmoreland and York Counties. Also the Cities of Hampton and Newport News.

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board regulations which prohibit such discharges. Discharge to surface waters may be through a municipal separate storm sewer system.

Restrictions: The Department of Environmental Quality (Department) will deny authorization to discharge under this general permit if the owner is required to obtain an individual permit, if the owner is proposing to discharge to surface waters specifically named in Board regulation which prohibit such discharges, when the owner is proposing to discharge annual mass loadings of total nitrogen in excess of 2300 pounds per year or total phosphorus over 300 pounds per year, if the discharge would violate the Virginia Water Quality Standards antidegradation policy or if the discharge is not consistent with the assumption and requirements of an approved Total Maximum Daily Load (TMDL)

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The Board has determined that this category of discharges is appropriately controlled under a general permit. The category of discharges to be included involves facilities with the same or similar types of operations

and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that certain covered facilities develop a stormwater pollution prevention plan. This permit will maintain the Water Quality Standards adopted by the Board. This general permit will replace the general permit VAG52 which expires on July 23, 2021. Owners covered under the expiring general permit who wish to continue to discharge under a general permit must register for coverage under the new permit.

All pertinent information is on file and may be obtained at:

Virginia Department of Environmental Quality
Office of VPDES Permits
P.O. Box 1105
Richmond, VA 23218
email: elleanore.daub@deq.virginia.gov Telephone: (804) 698-4111

A public hearing and comment period will be scheduled for the draft permit. The public notice will be mailed or emailed to all registered permittees, the regulatory development mailing list and the permit public notice mailing list. Notice of the public hearing will be published in a newspaper of general circulation in the Commonwealth.

ACTIVITIES COVERED BY THIS PERMIT

This general permit covers process wastewater and stormwater point source discharges from seafood processing facilities as defined by the listed SIC codes. It does not include aquaculture facilities (including hatcheries) classified under SIC Code 0272 or 0921 and NAICS Code 112512. Typical facilities found in Virginia that are covered are crab picking and oyster shucking operations, and fish, clam, scallop, and shrimp processing operations. Process wastewater is generated by cleaning, cooking and processing of seafood and the cleaning of the facility. Treatment or control of process wastewater usually consists of basic screening and sedimentation traps.

BASIS FOR PART I A EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

With the exception noted below (Seafood Processes Not Limited by Federal Guidelines), the parameters to be limited are based on Federal Regulation 40 CFR Part 408. They are best practical control technology currently available (BPT), best conventional pollution control technology (BCT) when more stringent than BPT or standards of performance (for new sources). These guidelines provide limits for twenty-six different seafood processes that may be found in Virginia. The parameters and actual limits vary depending on the process. The copy of the general permit transmitted to the owner will contain only those Part I.A. pages which are appropriate for that facility.

Seafood Processes Limited by Federal Effluent Guidelines

Parameter	Effluent Limitation	Monitoring
Flow	No Limit	Report Daily Maximum Quarterly
pH	In the range of 6.0 to 9.0 S.U.	Quarterly Grab Sample
Total Suspended Solids	Limits in the General Permit are those established in 40 CFR Part 408.	Quarterly Composite Sample for Monthly Average and Daily Maximum
BOD5	Limits in the General Permit are	Quarterly Composite Sample for

	those established in 40 CFR Part 408.	Monthly Average and Daily Maximum
Oil and Grease	Limits in the General Permit are those established in 40 CFR Part 408.	Quarterly Composite Sample for Monthly Average and Daily Maximum
Production	No Limit	Report Daily Maximum Quarterly

Seafood Processes Not Limited by Federal Effluent Guidelines

Parameter	Effluent Limitation	Monitoring
Flow	No Limit	Report Daily Maximum Annually
pH	In the range of 6.0 to 9.0 S.U.	Annual Grab Sample
Total Suspended Solids	No Limit	Annual Composite Sample for Monthly Average and Daily Maximum
Oil and Grease	No Limit	Annual Grab Sample for Monthly Average and Daily Maximum
Production	No Limit	Report Daily Maximum Quarterly

The Federal Guidelines for the "Canned and Preserved Seafood Processing Point Source Category" are included in the Code of Federal Regulations at 40 CFR Part 408. These guidelines provide the following basis for establishing the effluent limits:

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established.

The effluent limitations represent the degree of effluent reduction attainable by the application of the best practical control technology currently available, best conventional pollutant control technology and standards of performance for new sources.

Review of performance under the currently existing general permit indicates no major problems with compliance, and no reported water quality problems. There are exceedences (21 total during this reissuance) of the BOD, TSS and oil and grease limits and many instances of DMRs not submitted. However, the conclusions of the water quality study conducted for this general permit (An Evaluation of Wastewater Discharges from Seafood Processing Facilities, February 22, 1995) are considered to remain valid in that impacts to water quality from the seafood processing discharges are negligible. Therefore the 40 CFR Part 408 based effluent limitations from the current general permit have been retained in this proposed reissuance.

A nutrient sampling study that was conducted by DEQ under an EPA grant in 2013-2017 to determine total nitrogen, phosphorus and TSS impacts from discharges of various seafood processes. The sampling was conducted at 14 facilities and the calculated loads for the seafood sector was just a fraction of the

loads included in the Chesapeake TMDL. There are currently there are 48 seafood processing general permits that occasionally operate year round but in most cases operate seasonally, sporadically (depending on product availability).

The Chesapeake Bay watershed general permit for nutrients established in accordance State Water Control Law §62.1-44.19:12 - 19 addresses new or expanding industrial facilities with the potential to discharge annual loads of 2300 pounds of total nitrogen or 300 pounds of total phosphorus. The existing seafood facilities covered by the general permit do not approach this level of nutrient loading according to the nutrient sampling study conducted in 2013-2017 mentioned above. New or expanding facilities with the potential to exceed these load limits must register for coverage under the Watershed General VPDES Permit for Nutrient Discharges to the Chesapeake Bay (9VAC25-820) in addition to applying for an individual permit.

Mechanized clam processing operations are included in the 40 CFR 408 effluent guidelines and were considered for coverage under the initial general permit. However, all mechanized clam plants that were individually permitted in the state in the past were required to meet effluent limits more stringent than effluent guidelines due to higher flows associated with high organic loads and resulting water quality impacts. It was determined that these types of facilities are best regulated under individual permits.

The monitoring frequency has been established after considering the facility type, the existing analytical data and the potential environmental risk and consequences of these types of discharges.

BASIS FOR PART I B SPECIAL CONDITIONS

These special conditions apply to every seafood processing activity in the general permit. Special condition number one prohibits any sewage discharges not covered by another VPDES permit. This general permit is not intended to cover sewage discharges. Special condition number two prohibits the addition of non-approved chemicals to the discharge. This language was added to prevent harmful or nutrient enriching substances from being added to the wastewater. Special condition three states that wastewater should be reused or recycled to the maximum extent practicable. This language was included in keeping with the Department's pollution prevention program. Special condition number 4 contains solids management plan requirements. This condition represents accepted and proven best management practices. The treatment required by this condition is based on performance. Special condition number five defines specifically what plant production figure is to be reported and used in calculating effluent levels in terms of kilograms per thousand kilograms of production. This definition is paraphrased from 40 CFR Part 408 to accompany the effluent limits from this source. A spreadsheet to calculate these limits is available from the contact person above and at

<http://www.deq.virginia.gov/programs/water/permittingcompliance/pollutiondischargeelimination/permitsfees.aspx#sea> . Special condition number six is a safeguard requirement that mandates notification of any toxic discharges and is a boilerplate condition from 9VAC25-31-200 of the VPDES permit regulation and 40 CFR 122.41 of the NPDES federal permit regulation for existing manufacturing, commercial, mining and silvicultural dischargers. Special condition number seven contains compliance reporting and recordkeeping instructions (quantification levels and significant digits). This is language routinely placed in individual permits so permittees use a QL close to their limit and treat results < QL and rounding consistently. Special condition eight is a general requirement to meet water quality standards. While it is not expected for these facilities to discharge other water quality parameters besides those that are limited in the permit, it is a good reminder to the permittee that other pollutants should not be discharged. Special condition nine tells the permittee they must submit an updated registration statement at least 60 days prior to operation of the new process. This requirement is in the regulation 9VAC25-115-40 (Registration Statement) and repeated in the permit pages special conditions so the permit itself tells the permittee what

to do (the permittee may not have the entire regulation). Special condition ten describes the steps the permittee must follow to terminate coverage. This condition is found in other general permits.

BASIS FOR PART II REQUIREMENTS FOR STORMWATER MANAGEMENT

The draft general permit requires that permittees covered by SIC Codes 2091 and 2092 (processors) develop a stormwater management program. Facilities classified under 5142 and 5146 (seafood process product handlers) are not required to develop a plan. The plan is intended to identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges and to describe and ensure the implementation of practices which will be used to reduce the pollutants in stormwater discharges.

A stormwater management program requires visual monitoring sampling (quarterly), routine inspections (quarterly), nonstormwater inspections (annually) and a stormwater pollution prevention plan (SWPPP).

Part II A 1 - Quarterly Visual Monitoring

Requires that grab samples of stormwater discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. No analytical tests are required to be performed on these samples. The grab samples must be taken within the first 30 minutes or as soon as practicable after the occurrence of an actual discharge from the site and 72 hours from the previous measurable (measurable means it resulted in a discharge from the site) storm event. Whenever the visual assessment shows evidence of stormwater pollution, corrective action procedures must be initiated per Part II B. Visual monitoring also requires permittees to document the results of their visual assessments in a report that includes the outfall location, date and time, duration of storm event, rainfall estimate (inches), duration between the storm event sampled and the end of the previous measurable storm event, monitoring personnel, nature of the discharge (i.e., runoff or snowmelt), results of the observations (visual quality), and probable sources of any observed stormwater contamination, why it was not possible to sample within the first 30 minutes (if applicable) and documentation to support substantially identical outfalls (if applicable).. The visual examination reports must be maintained onsite with the SWPPP.

There are exceptions for visual monitoring. If not qualifying storm event occurred during the quarter or if adverse weather conditions have created dangerous conditions for personnel during each measurable storm event during that quarter. These exceptions must be maintained in the SWPPP.

Operators with two or more essentially identical outfalls (identified at the time of registration) may also elect to conduct a visual assessment at just one representative outfall each quarter. If stormwater contamination is identified through visual monitoring performed at a substantially identical outfall, the operator must assess and modify the control measures as appropriate for each outfall represented by the monitored outfall. This approach ensures that operators will assess discharges from the entire site over the term of the permit, and will address any identified problems at all substantially identical outfalls where the problem may be occurring.

This is a requirement consistent with all other stormwater regulated industries in Virginia which are written to be consistent with the Industrial Stormwater General Permit 9VAC25-151-70. It is also required by the 2015 NPDES Multi-Sector General Permit (EPA). Furthermore, quarterly visual assessments of stormwater discharges provide a useful and inexpensive means for permittees to evaluate the effectiveness of their control measures. Although the visual examination cannot assess the chemical properties of the stormwater discharged from the site, the examination will provide meaningful results upon which the permittee may act quickly (do corrective action). For example, should an oil sheen be

observed, facility personnel (preferably members of the pollution prevention team) must conduct an inspection of the area of the site draining to the examined discharge to look for sources of spilled oil, leaks, etc... If a source can be located, then this information would necessitate that the permittee conduct corrective action such as immediately clean-up the pollutant source or to revise control measures to minimize the contaminant source.

Part II A 2 - Quarterly Routine Facility Inspections

Requires quarterly inspections are conducted by those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and can also evaluate the effectiveness of control measures. The inspections are conducted in all areas where industrial materials or activities are exposed to stormwater. Specific areas are listed (see Part II A 3 a) to be inspected if the areas are present at the site (the permittee should make a note in the SWPPP if these areas are not present).

Documentation for each routine inspection is required in the SWPPP. These are listed in Part II A 2 d.

Any deficiencies should be corrected as soon as practical but within 60 days (or later date if approved by DEQ).

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part II B.

This is a requirement consistent with all other stormwater regulated industries in Virginia which are written to be consistent with the Industrial Stormwater General Permit 9VAC25-151-80. It is also required by the 2015 NPDES Multi-Sector General Permit (EPA).

Part II A 3 Allowable nonstormwater discharges

Discharges of some sources of nonstormwater are allowed (do not require a permit) and are listed in Part II A 3 c.

Annual inspections are documented and included in the SWPPP. Documentation required is listed in Part A 3 b.

This is a requirement consistent with all other stormwater regulated industries in Virginia which are written to be consistent with the Industrial Stormwater General Permit 9VAC25-151-70 and 9VAC25-151-80. It is also required by the 2015 NPDES Multi-Sector General Permit (EPA).

Part II B Corrective Actions

Corrective Actions are required when routine facility inspections, visual monitoring, inspections by local, state or federal officials or any other process, observation or event shows that modification to stormwater control measures are necessary.

This is a requirement consistent with all other stormwater regulated industries in Virginia which are written to be consistent with the Industrial Stormwater General Permit 9VAC25-151-70. It is also required by the 2015 NPDES Multi-Sector General Permit (EPA).

Part II C Stormwater Pollution Prevention Plans (SWPPP)

A SWPPP must be developed and implemented for each facility that falls under the SIC codes 2091 and 2092. The purpose of the SWPPP is to document the selection, design, and installation of control

measures, including best management practices, to minimize the pollutants in all stormwater discharges from the facility and to meet water quality standards.

Existing and new facilities and facilities that have changed owners must update and implement SWPPP revisions within 60 days of coverage or ownership change.

The requirement for a SWPPP maintains the flexibility for a site-specific plan to be developed and implemented. SWPPP components (Part II C 2) include the formation of a pollution prevention team, a description of the site and pollutant sources (including potential spills and leaks), control measure considerations, control measures (such as good housekeeping). The permittee must maintain and update the SWPPP within 60 days of visual monitoring or routine inspections indicating contaminated stormwater, something changes at the facility that has an effect on the stormwater discharge (construction, operations, etc...), state, local or federal officials determine modifications to the SWPPP are necessary, there is a significant spill, leak or other release at the facility or there is an unauthorized discharge from the facility. Any needed changes to control measures must begin before the next storm event if possible, but no later than 60 days after discovery. The schedule or amount of time taken to modify or implement additional control measures must be noted in the SWPPP. If there is a significant spill, leak, release or unauthorized discharge, this must also be described (circumstances leading to the incident, responses taken, measures to prevent the recurrence and dates associated with the incident). Also see Part III G of the permit (Reports of Unauthorized Discharges).

These requirements for stormwater management are consistent with all other stormwater regulated industries in Virginia which are written to be consistent with the Industrial Stormwater General Permit 9VAC25-151-80. It is also required by the 2015 NPDES Multi-Sector General Permit (EPA).

BASIS FOR PART III REQUIREMENTS FOR CONDITIONS APPLICABLE TO ALL VPDES PERMITS

Part III is boilerplate language that applies to all permits. It reflects common requirements that apply to all industries regardless of SIC codes.

The requirements are generally consistent with 9VAC25-31-190 of the permit regulation and 40 CFR122.41 of the federal NPDES permit regulation. Some differences in the general permit boilerplate compared to individual permits have been made as follows:

- Part III (throughout). References to sewage sludge use and disposal records requirements were removed because this permit does not cover sewage;
- Part III (throughout). References to “revocations and reissuances” and “modifications” to permits have been removed because general permit coverages do not implement these actions;
- Part III (throughout). References to “applications” for permits are changed to “registrations” for permit coverage since general permit holders submit registrations statements (or notices of intent per 9VAC25-31-170) for coverage under the permits and not NPDES or VPDES applications;
- Part III A (Monitoring). The Virginia Environmental Laboratory Accreditation Program analyses requirements (1VAC30-45 Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories) are added;
- Part III C (Reporting monitoring results). References to electronic reporting are included per 9VAC25-31-1020 and 40 CFR Part 127; and

- Part III M, Duty to apply, the permit allows at least 60 days before the expiration to submit a new registration statement rather than the standard 180 days. This is allowed for general permits by 9VAC25-31-100 C of the permit regulation. This also matches the registration deadlines and better conforms to existing agency practices.
- Part III Y 2 (Transfer of Permits). This section allows automatic transfers within 30 days of transfer rather than 30 days in advance of transfer. Thirty-day advance transfer notification is unnecessary, not likely to occur in real estate transactions and the staff agrees that a transfer of ownership notification should be accepted at any time.

Administrative

The general permit will have a fixed term of five (5) years. Every authorization to discharge under this general permit will expire at the same time (July 23, 2021) and all authorizations to discharge will be renewed on the same date. However, an owner is allowed to continue to discharge under the terms of their previous permit provided they have submitted a complete registration statement before the expiration date of the existing permit. This is also known as an administrative continuance.

All persons desiring to be covered by this general permit must register with the Department by filing a registration statement and applicable fees. The majority of registrations will come from existing operations. Existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration statement at least 60 days prior to expiration (prior to June 24, 2021). Any owner of an existing seafood processing facility adding a new process after coverage under the general permit is obtained shall submit an amended registration statement to the Department at least 60 days prior to commencing operation of the new process.

For all new seafood processing facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 60 days prior to the commencement of operation.

Existing operations with individual VPDES permits that wish to seek coverage under the proposed general permit must notify the Department 240 days prior to expiration. This time period is set so that the regional office has 30 days to determine if the facility is authorized for coverage and if coverage is not allowed, the permittee has 30 days to submit an individual permit application and still meet their 180 days prior to expiration deadline for the individual permit. This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been terminated. Any person conducting an activity covered by an individual permit which could be covered by this general permit may request that the individual permit be terminated and register for coverage under this general permit. Antibacksliding will be considered prior to granting coverage under this general permit.

Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit in accordance with VPDES procedures.

All facilities that the Department believes are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid and the Department sends a copy of the general permit to the applicant. If this general permit is inappropriate, the applicant will be so notified and the requirement that an individual permit or alternate general permit is needed will remain in effect.